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ABSTRACT

The 6th and final report of the Mexican American Education Study (MAES) focuses on specific educational problems of Mexican American children in the Southwest and recommends actions at various governmental and educational levels to alleviate these. Information was gathered from: (1) a 1969 survey and 1970-71 field study; (2) a literature review; (3) additional surveys conducted in the spring 1973; (4) educational conferences held in 1972 and 1973 on language and curriculum, teacher training, and counseling; (5) further expert consultation, including such areas as ability grouping, grade repetition, and educable mentally retarded placement; and (6) a questionnaire and interviews with the Office of Civil Rights, Department of Health, Education, and Welfare. Investigated for their effect on the Chicano child, 5 areas are covered: (1) curriculum; (2) grade retention, ability grouping, and assignment to classes for the educable mentally retarded; (3) teacher education; (4) counseling; and (5) Title VI, Elementary and Secondary Education Act, and equal educational opportunities for Mexican American students. Numerous findings and recommendations are given by these subject areas. The report also gives 3 basic principles that relate to all of the specific recommendations and which should govern educational reform for Chicano students: (1) Mexican American culture, language, and history should be inherent and integral parts of the educational process; (2) Mexican Americans should be fully represented in decision-making positions that determine or influence educational policies and practices; and (3) all levels of government should reorder their budget priorities to implement the given recommendations. (KM)

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TOWARD QUALITY EDUCATION FOR MEXICAN AMERICANS

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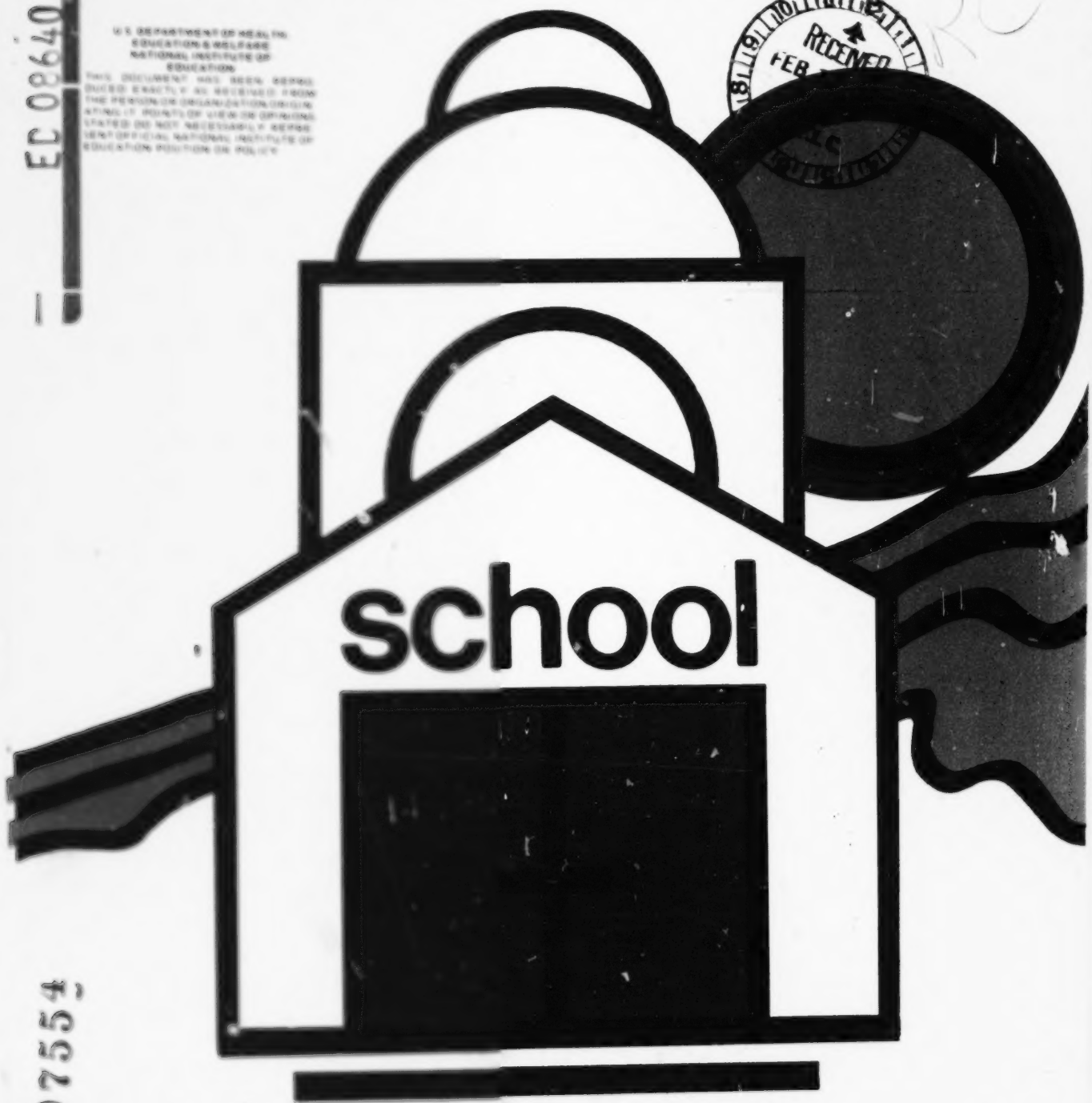

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Report VI: Mexican American Education Study
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PREFACE

This is the sixth and final report of the Commission's Mexican American Education Study. [1/] This series of reports provides a comprehensive assessment of the nature and extent of educational opportunities available to Mexican American children in the public schools of the Southwest. One of the principal objectives of the study series is to inform educators, parents, government officials, and community leaders of the effects of certain educational policies and practices of the schools on Mexican American pupils. A second objective is to provide data on the extent and quality of the education which these students receive.

The sixth report focuses attention on specific problems in the education of Mexican American children and recommends actions at various governmental and educational levels which may lead to solutions of these problems.

1/ The term "Mexican American" refers to persons who were born in Mexico and now hold United States citizenship or whose parents or more remote ancestors immigrated to the United States from Mexico. It also refers to persons who trace their lineage to Hispanic or Indo-Hispanic forbears who resided within Spanish or Mexican territory that is now part of the Southwestern United States.

"Chicano" is another term used to identify members of the Mexican American community in the Southwest. In recent years it has gained wide acceptance among many persons of Mexican ancestry and reflects a group identity and pride in Mexican American culture and heritage. In this report "Chicano" and "Mexican American" are used interchangeably.

Sources of Information

Data from which the previous reports of the Mexican American Education Study were written were drawn from several sources: (1) the Commission's spring 1969 mail survey of Mexican American education in schools and districts throughout the five Southwestern States; (2) HEW's fall 1968 elementary and secondary school survey of those States; and, (3) the Commission's field study of schools in California, Texas, and New Mexico during the 1970-71 school year. The first four reports of the study series were based primarily on data obtained from HEW and the Commission mail surveys. The fifth report is derived primarily from information gathered in the field.

The information in this sixth report is derived from the following sources: (1) the Commission's 1969 mail survey and 1970-71 field study--most of these data were compiled for use in previous reports; (2) review of the education research literature; (3) additional small surveys conducted by Commission staff in spring 1973; (4) conferences with educational experts held by the Commission in November 1972 and February 1973 on the topics of language and curriculum, teacher training, and counseling; (5) further consultation with experts in the above areas in addition to experts in the areas of ability grouping, grade repetition, and Educable Mentally Retarded placement; and, (6) a questionnaire submitted to the Director of the HEW Office for Civil Rights and interviews with staff members of that office in late 1972 and early 1973.

Publications

The five previously published reports in this series are:

Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest examines the extent to which Chicanos are segregated in the schools of the Southwest as well as the underrepresentation of Mexican Americans as teachers, other school officials, and school board members.

The Unfinished Education: Outcomes for Minorities in the Five Southwestern States documents the failure of schools to educate Mexican Americans and other minority students as measured in terms of reading achievement, school holding power, grade repetition, "overageness," and participation in extracurricular activities.

The Excluded Student: Educational Practices Affecting Mexican Americans in the Southwest describes the exclusionary practices of schools in dealing with the unique linguistic and cultural characteristics of Chicano students.

Mexican American Education in Texas: A Function of Wealth examines the ways in which the Texas school finance system works to the detriment of districts in which Mexican American students are concentrated.

Teachers and Students: Classroom Interaction in the Schools of the Southwest focuses on teacher-pupil verbal behavior in the classroom, measuring the extent to which differences exist in the verbal interactions of teachers toward their Chicano and their Anglo [2/] pupils.

2/ The term "Anglo" refers to all white persons who are not Mexican Americans or members of other Spanish surnamed groups.

CHAPTER I

INTRODUCTION

Mexican American children are the second largest minority group in the Nation's public schools. In the five Southwestern States of Arizona, California, Colorado, New Mexico, and Texas, where most of the Mexican American population is concentrated, their children comprise the largest minority group in the public schools. In these States, nearly one of every five children in the public schools is Mexican American.

How well are the schools of the Southwest serving Mexican American students? Are they providing equal educational opportunities for them? These are the fundamental questions the Commission has addressed in its four-year study of Mexican American education. On the basis of the five reports already issued, the unavoidable conclusion is that the schools are failing.

Each of the five previous reports has documented different aspects of this failure. The first indication of this failure is that, to a large degree, Chicano students attend school separated from their Anglo counterparts. They are isolated by school district and by schools within individual districts. They also are underrepresented as teachers and counselors and in decisionmaking positions such as those of principal and school board member.

Second, the language and culture of Chicano children are ignored and even suppressed by the schools. The school curriculum rarely includes programs and courses designed to meet the particular needs of

these students. In addition, Mexican American parents are largely excluded from participation in school affairs.

A third indication of unequal opportunity is in the financing of public schools. An examination of the one Southwestern State for which adequate data was available--Texas--reveals that schools which have predominantly Mexican American enrollments are underfinanced in comparison to the schools attended by Anglo children. At the same time, however, the parents of Chicano children bear a heavier financial burden than the parents of Anglo children.

A fourth aspect of failure is the quality of interaction between teachers and their students in the classrooms of the Southwest. The Commission found that many teachers fail to involve Mexican American children as active participants in the educational process. In contrast to their treatment of Anglo students, many teachers seldom praise or encourage Mexican American students, make use of their contributions in class, or even ask them questions.

Of the numerous Commission findings in the series of reports, perhaps the clearest indication of the failure of the schools in the Southwest is reflected in the educational outcomes for Mexican American students. For every 10 Mexican American students who enter the first grade, only six graduate from high school. By contrast, nearly nine of every 10 Anglo students remain in school and receive high school diplomas. The proportion of Chicano students reading six months or more below grade level is twice as large as the proportion of Anglos. By the time Mexican American students have reached the 12th grade--the 60 percent who have not already dropped out--three of every four are reading below the level acceptable for that grade.

They are more than twice as likely to be required to repeat a grade as Anglo students and as much as seven times more likely than Anglos to be overage for their grade.

The findings of these earlier Commission reports present a dismal picture of the status of equal educational opportunity for Mexican Americans. Under existing conditions this is what Mexican American parents may expect as their children enter a public school in the Southwest:

> Their children will be isolated from Anglo children.
>
> Their language and culture will be excluded.
>
> Schools to which their children are assigned will be underfinanced.
>
> Teachers will treat their children less favorably than Anglo pupils.
>
> Forty percent of their children will drop out of school before graduation and those who remain in school will achieve less well than their Anglo classmates.

This sixth report examines two other basic questions: What aspects of the schools' educational program and staffing patterns bear on the schools' failure to provide equal educational opportunity to Mexican American children? What changes in educational policy and practices at the local, State, and national levels are needed to bring about equal educational opportunity?

This final report does not purport to be exhaustive, nor is it possible to pinpoint the precise cause and effect relationship between particular conditions and practices and the schools' failure to provide

equal educational opportunity. Rather, the Commission has focused on five areas that have an important bearing on achieving the goal of equal educational opportunity for Chicano children.

Each of the five areas studied in this report is examined in terms of its effect on the Mexican American child. Throughout the report reference is made to the relevancy of educational programs to the Chicano child's culture and language. It is essential to stress that though reference is made to a Chicano culture, the Commission does not wish to imply that there is a single or monolithic Chicano culture. There are many common elements in the culture and language of all Chicanos. Chicano communities, families, and individuals, however, differ substantially in their values, lifestyles, and methods of communication. An understanding of the Chicano culture and an effort to provide equal educational opportunity demands a responsiveness to individual Mexican American children and their individual needs and differences.

The first area of study is curriculum, the educational program of the school. How are decisions on the selection of curriculum made? Who makes them? How relevant to the culture and experience of Chicano children is the curriculum used in the schools in the Southwest?

The second area involves three widespread school practices--grade retention, ability grouping, and assignment to classes for the educable mentally retarded. How do these practices affect Chicano children? What criteria determine which students are exposed to these practices? Do these practices help or hinder the chances of Chicano students for success in school?

The third area of concern is teacher education. Are the institutions that train prospective teachers doing an effective job in producing teachers who can provide quality education to Mexican American children? Are Mexican Americans adequately represented as students and staff at these institutions? Is the curriculum geared to instruct prospective teachers regarding the specific needs of Chicano students?

The kind of counseling afforded Mexican American students is a fourth area of study. To what extent are counseling services available to Mexican American children? Who are the counselors? What is their background? Are they equipped by reason of their familiarity with Spanish and the cultural background of Chicanos to communicate effectively with these students?

The fifth and last area involves the civil rights of Mexican American students and their right to equal educational opportunity. Title VI of the Civil Rights Act of 1964, which prohibits discrimination in programs or activities receiving Federal financial assistance, has been an effective instrument in reducing school segregation in the Deep South. To what extent have efforts been made under Title VI to assure equal educational services to Mexican American pupils?

The report that follows analyzes these five areas and makes findings with respect to each. On the basis of these findings, the Commission also has made recommendations for corrective action which it believes are necessary if equal educational opportunity for Mexican Americans is to be achieved in fact as well as in legal theory.

CHAPTER II

CURRICULUM

Curriculum provides the basis for the school's educational program. In large part, it is centered around the specific subjects and courses that a child takes and the textbooks used in the teaching of those subjects and courses. But curriculum also extends to the variety of procedures and rules established by the school for the purpose of affecting educational change in the behavior and development of the students. The basic function of curriculum is to provide students with intellectual and social skills. Of equal importance, it is a primary means of transmitting to children the culture and values of society.

Curriculum is neither neutral nor impartial. It necessarily reflects value judgments that significantly affect a child's perception of himself and of society in general.[3/] The school shapes the culture and values of its students by presenting favorably certain life styles and customs. The culture content of all courses and the persons portrayed in them indicate to children models and ideals to which they should aspire. The language in which the curriculum is presented also transmits to children a value judgment regarding their culture and community, in relation to others.

3/ Madelon D. Stent, William R. Hazard, and Harry N. Rivlin, Cultural Pluralism in America (New York: Appleton, 1973), p. 23.

The language in which the curriculum is taught and the values reflected by the curriculum affect all students significantly. These two aspects of curriculum are of special importance to Mexican American students because their language and culture differ from those of the majority of students in the Southwest. This chapter will examine the workings of curriculum in the schools in the Southwest and the decision-making process by which curriculum is determined.

Curriculum in the Schools of the Southwest

Sound curriculum planning and development is based upon information regarding three basic elements: the student, his or her immediate community, and the needs of society in general.[4/] Information regarding the student is basic to the development of an effective curriculum. By the time children enter school, they already have developed particular skills, abilities, and interests. These must be identified and taken into account if the curriculum is to be successful in motivating the students and generating their interest. Further, by using information concerning students in determining the content and process of the curriculum, the transition from home to school learning can be made easier for the children. The family and community from which the child comes also provide essential information regarding the attitudes, customs, and cultural heritage of the child which the curriculum is obliged to incorporate. And

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4/ Ralph W. Tyler, Basic Principles of Curriculum and Instruction (Chicago: Univ. of Chicago Press, 1949), p. 4. Dr. Tyler discusses the use of the learner, contemporary life, and subject matter as sources of information for the development of educational objectives. In discussing the learner, Tyler integrates information about his family and community.

if curriculum is to help make education a means of preparing children to enter the world outside the school as productive and concerned citizens, it must be based on an accurate assessment of the needs of society and be responsive to those needs.

In short, if curriculum is to be an effective instrument in helping all students develop their potential to the fullest, it must be flexible and broadly based. To what extent has curriculum in the Southwest satisfied this test?

Generally, curriculum has not had the flexibility or been broadly enough based to develop the potential of all students. As one experienced educator has said, "Educational programs are designed and developed for the white Anglo-Saxon, English-speaking, middle-class population. If a child is not a 'typical child,' if he is not Anglo-Saxon, you develop an incompatability between the characteristics of the learner and the characteristics of the educational program."[5/] This incompatability between the Chicano student and the curriculum is most evident in the areas of language and culture.

5/ Testimony of Dr. Jose Cardenas in San Felipe - Del Rio Desegregation suit. Aug. 13, 1971, U.S. v. State of Texas, 321 F. Supp, 1043 (E.D. Tex. 1971). Dr. Cardenas, former superintendent of Edgewood School District, is now director of Texans for Educational Excellence, San Antonio, Tex. In addition, he acts as consultant to numerous Office of Education Programs of concern to Mexican Americans.

Language Exclusion

Oral language is the most basic element of any curriculum. [6] This is especially so in the early years of schooling when children must depend entirely on their ability to communicate orally. The schools of the Southwest, as in other parts of the United States, use English as the dominant language of instruction. Thus, in the formative years, reading and writing skills are developed on the assumption that the child has oral skills in the English language. For Mexican American children, this assumption is often false. [7]

Many Chicano children, by the time they reach school age, have developed a complete language system in Spanish, or, although they may speak some English, their dominant language is Spanish. [8] They are

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6/ Rudolph C. Troike and Muriel R. Saville, A Handbook of Bilingual Education, rev. ed. (Washington, D.C.: Teachers of English to Speakers of Other Languages, 1971), p. 10.

7/ School principals estimate that nearly 50 percent of Chicano first graders do not speak English as well as the Anglo first grader. See U.S. Commission on Civil Rights, The Excluded Student, Report III, Mexican American Education Study (Washington, D.C.: GPO, 1972), p. 14. (Hereafter cited as Excluded Student.) Further, Bureau of the Census statistics for 1972 indicate that 66.4 percent of Chicano children ages 5 through 13 in the Southwest currently speak Spanish in the home. See U.S. Bureau of the Census, "Persons of Spanish Origin in the United States: March 1972 and 1971," Current Population Reports, Series No. P-20. No. 250 (Washington, D.C.: GPO, 1973), p. 17.

8/ Troike and Saville, Bilingual Education, p. 1. Dr. Troike, who is director of the Center for Applied Linguistics, notes that "much of the sound system and grammatical structure of the child's native language has been mastered by the time he is five years old."

ready to begin learning to read and write. But instead of being encouraged to develop these skills in Spanish and subsequently use them to develop the same skills in English, Chicano children find their language either ignored or prohibited by school authorities. 9/

In response to the Commission's questionnaires, principals in 30 percent of the elementary schools and 40 percent of the secondary schools surveyed in the Southwest admitted to discouraging the use of Spanish in the classroom. 10/ Use of Spanish is further discouraged on an unconscious level by school officials. One Southwestern educator expressed the view that: "The actual incidence of discouragement is probably much higher than Commission statistics show. Because the schools have for so long felt that Spanish is a handicap to successful learning, they unconsciously foster unacceptance and resulting discouragement of the speaking of Spanish in school." 11/ Not only does this practice fail to build on one of the most basic skills of Chicano students, but it degrades them and impedes their education by its implicit refusal to provide for teaching and learning in Spanish.

9/ Excluded Student, p. 14.

10/ Excluded Student, p. 16.

11/ Miles Zintz, Conference on Curriculum, U.S. Commission on Civil Rights, Feb. 8-9, 1973. (Hereafter cited as Curriculum Conference.) Dr. Zintz is a professor of education at the University of New Mexico, Albuquerque.

A large proportion of Chicano children in the Southwest grow up speaking different dialects of Spanish which vary somewhat in vocabulary, grammar, and pronunciation from the so-called "standard" Spanish. Such dialects may incorporate some English vocabulary, old Spanish words which were in common usage during the 17th and 18th centuries, and standard Spanish. Linguists agree that such dialects are not distortions of the standard dialect but companion dialects of the same language.[12/] According to one major source: "The speaker of a nonstandard dialect is not 'confused' or 'wrong' when his speech differs from the standard dialect, but he is actually using a different language system."[13/] Schools in the Southwest could assist Chicano children to develop language skills in both standard Spanish and English by accepting and building on their particular dialects of Spanish. Ideally, at the end of such a school experience, Chicano children could be trilingual, making them proficient in standard Spanish, their own dialect of Spanish, as well as in English. However, Chicano dialects are viewed by many school officials in the Southwest as illegitimate or as comprising no language at all.[14/] Thus, as one Texas elementary

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12/ Ernesto Garcia, "Chicano Spanish Dialects and Education," Aztlan, Vol. 2, No. 1 (Spring 1971), p. 67. Also see Theodore Anderson and Mildred Boyer, Bilingual Education in the United States, Vol. 1 (Austin, Tex.: Southwest Educational Development Laboratory, 1970), pp. 8-10.

13/ Troike and Saville, Bilingual Education, p. 12.

14/ Dialects of Spanish in the Southwest are also referred to as Caló by linguists, and derogatorily as Tex-Mex or Spanglish by others in the Southwest.

teacher commented:

> The Spanish that these little Mexican kids know is just a poor combination of English and Spanish slang. Actually these kids have no language at all, because they speak bad English and bad Spanish. 15/

Exclusion from the school experience of the Spanish language, whether standard Spanish or another dialect, results in two serious consequences for Chicano students. First, a Chicano child with little or no knowledge of English finds it difficult to function satisfactorily in the classroom. Second, because language is rooted in and reflects a set of values of a particular group, exclusion of Spanish engenders in Chicano children the feeling that very important aspects of his life--his community and culture--are undesirable. 16/

Some efforts have been made to develop language programs for Chicano students. These programs use a variety of teaching methods to increase English language skills. The most commonly used language programs are English as a Second Language and to a lesser extent, Bilingual Education.

15/ Interview with a teacher in a Texas school, February 1971.

16/ Harry Levine, "Bilingualism and Its Effect on Emotional and Social Development," Journal of Secondary Education, Vol. 4, No. 2 (Feb. 1969), pp. 67-73.

English as a Second Language

English as a Second Language (ESL) is a program designed to teach English language skills within the regular curriculum prescribed for all children. This program attempts to make non-English speaking children [17] proficient in English by providing supplementary instructional sessions in English for a specified time, generally 30 minutes to one hour, during the day. In the ESL program, English is used almost exclusively, even with the youngest children, whether the children understand it or not. [18]

The major problems with ESL for Spanish speaking students in Southwestern schools are the theory underlying the program and its limited purposes. ESL is designed strictly as a transitional language program and contains no culture content relating to the Mexican American community or heritage. The theory behind using only ESL is that a Spanish speaking child can become proficient in English through a brief period of training in English classes and can simultaneously learn course work in that language. Not only does this method fail to build on the Chicano child's language ability in Spanish, but it requires that the child learn a new language well enough to function in that language immediately and for the majority of the day. Further, as

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17/ The term 'non-English speaking' as used here also refers to children who have some knowledge of English but whose first and dominant language is other than English.

18/ Miles Zintz, Curriculum Conference.

one source has stressed: "This method subtly, by minimizing the child's vernacular, places the home language in an inferior, unacceptable position." 19/ Though ESL can be effectively used as a component of Bilingual Education, it is not, by itself, an adequate program for teaching English to Chicano children.

Bilingual-Bicultural Education

Bilingual-Bicultural Education has been defined as "Instruction in two languages and the use of those two languages as mediums of instruction ....for any part or all of the school curriculum and including study of the history and culture associated with the student's mother tongue. A complete program develops and maintains the children's self-esteem and a legitimate pride in both cultures." 20/ An axiom of Bilingual Education is "that the best medium for teaching is the mother tongue of the student." 21/ The program develops reading and writing skills in the child's native tongue while simultaneously introducing English language skills. The child's culture becomes an essential component of the entire school experience.

19/ Miles V. Zintz, Mari Luci Ulibarri, and Dolores Gonzalez, The Implications of Bilingual Education for Developing Multicultural Sensitivity through Teacher Training (Washington, D.C.: ERIC /Educational Resource Information Center/, HEW, 1971), p. 22.

20/ U.S. Department of HEW, Programs under Bilingual Education Act (Title VII, ESEA): Manual for Project Applicants and Grantees (Washington, D.C.: Office of Education, 1971), p. 1.

21/ Nancy Modiano, "National or Mother Tongue in Beginning Reading: A Comparative Study," Research in the Teaching of English, Vol. 2, No. 1 (Apr. 1968), pp. 32-43.

In general, Bilingual-Bicultural Education builds on the child's skills, such as language skills, rather than ignoring or suppressing them. The child's familiar experiences, community, and cultural heritage are incorporated into the educational program, rather than being excluded. Course content is often presented in Spanish along with free use of Spanish in teaching. 22/ As a result, children are able to respond more positively to a school and an educational program which reflect their own interests, abilities, and community.

Bilingual-Bicultural Education has been implemented only recently in selected districts throughout the country and then only on a modest scale. Many programs in the Southwest are misnamed bilingual-bicultural programs but are actually focused on teaching English and have no course content or a cultural component. Such programs not only distort the concept of what Bilingual-Bicultural Education is but give an inaccurate representation of the number of children being reached by genuine bilingual-bicultural programs. 23/ Programs also vary considerably by the number of grade levels involved, program structure, and language dominance of students.

22/ Along with the ESL component of bilingual programs, Spanish as a Second Language (SSL) is used for English speakers.

23/ Interview with Ernesto Bernal, June 1973. Dr. Bernal is director of the Bilingual Early Elementary Program, Southwest Educational Development Laboratory, Austin, Tex.

Title VII of the Elementary and Secondary Education Act of 1969 (ESEA) is a Federal program concerned specifically with Bilingual-Bicultural Education.[24] It stresses the importance of conserving the Nation's language resources and advancing the education of all children, regardless of their language. Since 1969, when the program began, Title VII has funded demonstration Bilingual-Bicultural Education projects throughout the country for non-English speaking students of various backgrounds. However, these programs reach only a small percentage of the Chicano children needing them. In 1969, 51 Spanish/English programs, reaching nearly 19,000 children, were funded in school districts throughout the Southwest by the Office of Education under Title VII.[25] By the 1972-73 school year, 123 projects reaching 70,000 children in the area were being funded.[26] Though the number of children in the Southwest being reached by projects funded under Title VII has more than tripled in three years, the 70,000 students in the program appear insignificant in comparison to the estimated 1.6 million Mexican American students in Southwestern schools.[27]

24/ Elementary and Secondary Education Act, 20 U.S.C. §880 (b) et. seq. (1969).

25/ Excluded Student, p. 23.

26/ "ESEA Title VII Project Summary by State and Project Location, 1972-73," Bilingual Education Office, Office of Education, HEW, 1973.

27/ These 1972 enrollment figures were calculated from "Universe Projections" data obtained from the Office of Civil Rights, HEW, and will appear in the Directory of Public Elementary and Secondary Schools in Selected Districts-- Enrollment and Staff by Racial/Ethnic Group, Fall 1972. (Hereafter cited as Directory, 1972.)

If the Federal Government has become actively involved in supporting Bilingual Education, the States have not. Of the five Southwestern States, only Texas has made provision for mandatory bilingual programs for Spanish speaking children. 28/ Thus, it is left up to the individual school district to decide whether bilingual programs are necessary and should be provided for non-English speaking students. Furthermore, though four of the States have allocated funds for bilingual education, such funds reach only a very small percentage of the students needing the program (see Table 1).

Culture Content in Curriculum

As noted earlier, curriculum is neither neutral nor impartial but reflects value judgments on customs, values, and life styles. Essential to effective curriculum is the incorporation of the culture as it manifests itself through the family, community, and background of all students. These represent the elements students are most familiar with and on which their education can be most effectively based. Further, as authorities in the field have pointed out, developing the child's "pride in his cultural heritage will increase his success potential, so that he will better be able to benefit from what the educational system has to offer him." 29/

Culture content in the curriculum is evident in textbooks used at all grade levels and pertaining to all subject matter. It also can be related in special courses or programs dealing with the culture and history of particular ethnic groups.

28/ In Texas, S.B. 121, 63rd Leg., Reg. Sess. (1973) provides for Bilingual Education through grade 6. Though H.B. 139, 63rd Leg., Reg. Sess. (1973) allocated $2.7 million for teacher training in 1973-74, bilingual courses will not be instituted in the schools until 1974-75.

29/ Troike and Saville, Bilingual Education, p. 2.

TABLE 1. STATE-FUNDED BILINGUAL EDUCATION PROGRAMS

State	State Funds Allocated for Bilingual Education 1973-74	Number of Chicano Students Estimated to Receive State Funded Bilingual Education 1973-74	Total Number Chicano Children 1972-73*	Percent of Chicano Students Receiving State Funded Bilingual Education 1973-74
Arizona	$400,000**	6,000	91,121	6.6%
California	3,900,000	12,000	733,767	1.6
Colorado	0	0	76,089	0
New Mexico	700,000	8,500	111,049	7.7
Texas	2,700,000	0***	589,680	0
Southwest	7,700,000	26,500	1,601,706	1.7

Sources: Funding figures and estimates of Chicano children enrolled in State-funded bilingual programs provided by State department of education staff members: Arizona, J. O. Maines, director of Migrant Education; California, Morris Krear, consultant, Bilingual-Bicultural Task Force; Colorado, Bernardo Martinez, consultant, Bilingual-Bicultural Education; New Mexico, Weldon Perrin, deputy superintendent for public instruction; Texas, Ernest Zamora, consultant, Office of International and Bilingual Education.

* Percentages calculated from "Universe Projections" data in forthcoming Directory of Public Elementary and Secondary Schools in Selected Districts Fall 1972 (Office for Civil Rights, HEW).

** For Bilingual Education as well as Special English Classes.

*** Programs will not be instituted in the schools until 1974-75. In 1973-74, funds will be used for teacher training.

Textbooks

Textbooks provide the basis for much of the curriculum. They are heavily relied upon in the educational program by most teachers. In a survey of elementary and secondary schools conducted by the National Education Association, principals unanimously indicated that the textbook is the focus of curriculum and as such has the greatest effect on what is taught in the classroom. 30/

All textbooks impart value judgments about particular cultures. History texts clearly have the greatest potential for including cultural material, for they record the contributions of a particular people or nation. But texts in all courses include culture content. One educator, after evaluating history textbooks for Chicano culture content, found that:

> The U.S. educational system in part through the textbooks has reinforced a sense of Anglo superiority and degraded the image of Mexican Americans and other ethnic minorities. Content analysis of a dozen popular U.S. history textbooks revealed little in these texts which would specifically contribute to the pride of the young Chicano, but much that could assault his ego and reinforce a concept of Anglo superiority. 31/

30/ National Education Association, The Principals Look at the Schools: A Status Study of Selected Instructional Practices (Washington, D.C.: NEA, 1962), p. 23.

31/ Carlos Cortes, "A Bicultural Process for Developing Mexican American Heritage Curriculum," Multilingual Assessment Project: Riverside Component, 1971-72 Annual Report, ed. Alfredo Castañeda, Manuel Ramirez, and Leslie Herold (Riverside, Calif.: Systems and Evaluations in Education, 1972), p. 5.

As numerous textbook evaluators have noted, little if anything is said about the contributions of Mexicans and Mexican Americans to the development of the Southwest. Indeed, if any comments regarding Chicanos or their heritage are included in textbooks, they are usually negative or distorted in nature.32/

Literature texts, which purport to compile or describe written works representative of American or European writers, help develop in students an appreciation for written art forms. Few literature texts contain works by Chicano playwrights and poets.33/ Even works by Mexican American authors are rarely in evidence in the literature texts, and students are led to assume that there are no Chicano or Mexican writers or that they are not accomplished enough to be included in a text.

In the elementary grades, the exclusion of familiar figures and situstions from reading texts is evident. As one authority pointed out:

> Though much has been said about the "Dick and Jane" readers and the inability of the Chicano child to relate to such characters, the basic readers remain essentially unchanged. At best, Dick and Jane are shaded to appear brown, retaining their Anglo features; more commonly however, Dick and Jane and the Anglo family continue to be presented as the ideal.

32/ Interview with Rudy Acuña, July 1973. In 1971 Dr. Acuña was a member of the Social Sciences Textbook Review Task Force of California State Board of Education. He is now professor, California State University, Northridge.

33/ Dr. Carlos Cortés, associate professor of history and chairman of Mexican American Studies at the University of California at Riverside, has found that Chicano authors and poets, such as Octavio Romano, Alurista, Tomás Rivera, Rudolfo A. Anaya, and Abelardo Delgado, are almost never included in literature texts.

> Readers in the intermediate grades as well fail to present Chicano life styles and culture, and by doing so neglect to develop stories around areas of interest and familiarity to the Chicano students. 34/

Even mathematics textbooks carry culture content which ignores Chicanos' skills and knowledge. The teaching of mathematics involves familiarizing the student with numbers and training him to use those numbers in situations which may be of potential benefit to him. Problem solving should involve characters and situations with which the child most easily identifies. However, most mathematics textbooks present problem solving situations involving only Anglo characters and in settings which are often unfamiliar to Chicano children. Rarely is a situation given which directly relates to the experience of Chicanos growing up in a Chicano home or community. Further, mathematics textbooks and classes rarely refer to Aztec and Mayan contributions to the development of numerical systems and complex forms of mathematics.

Though textbooks are a large part of what is presented in the curriculum, much more goes into the total educational environment. This educational environment includes the physical surroundings of the classroom, such as pictures and displays on the walls and books on the shelves. Other

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34/ Cecilia C. R. Suarez, Curriculum Conference. Ms. Suarez is assistant professor, California State Polytechnic University, Pomona.

influences are the songs, music, and movies used either formally or informally by the school, as well as the field trips sponsored by the school.

The educational environment should reflect the home and community of all groups of children. The Chicano influence on the educational environment of most Southwestern schools is, however, as one authority has expressed it, almost nonexistent. 35/ Pictures and displays in the classroom fail to show scenes of Chicano family and community life or few, if any, decorations reflective of the Chicano culture. Music and games familiar in Chicano communities are rarely used in the school setting. 36/ Finally, field trips generally focus on areas outside of the Chicano community and disregard areas of interest in the barrios.

Special Courses and Programs

If instructional materials generally ignore Chicano culture, to what extent do the schools of the Southwest attempt through special courses and programs to include this culture in their curriculum?

35/ Interview with Cecilia C. R. Suarez, July 1973.

36/ In an unpublished report to the John Hay Whitney Foundation ("Mi Corazon Canta," Part I, June 1973), Mary Ester Bernal described the failure in Texas of schools to include music relevant to the Chicano child. In her study of music textbooks used in selected Texas school districts with large Mexican American student populations, Ms. Bernal found that only six percent of the songs in one series of textbooks included Spanish words, while no Spanish was used at all in another textbook series.

Mexican and Mexican American History Courses

Report III of this series of studies, The Excluded Student, examined the extent to which the schools of the Southwest offer specific courses in Mexican and Mexican American history. The Commission found that few schools offer such courses and that these courses reach only a small number of Chicano students. Data indicate that only 4.3 percent of the elementary schools and 7.3 percent of the secondary schools offer courses in Mexican American history. Corresponding figures concerning the offering of Mexican history in elementary and secondary schools are 4.7 and 5.8 percent, respectively. 37/ The schools limit these courses to a small number of classes and few pupils are eligible to take them. The number of Mexican American students enrolled in either Mexican American history or Mexican history courses is negligible--less than 2.5 percent in the elementary schools and less than one percent in the secondary schools. 38/

Schools more frequently offer Mexican or Mexican American history units through existing social studies classes. 39/ According to the estimate of principals in Southwestern schools, 47 percent of elementary schools and 46 percent of secondary schools offer Mexican or Mexican American history units. Course content and time allocated to such units vary from State to State and from school to school. 40/

37/ Excluded Student, p. 32.

38/ Percentages are calculated from unpublished data collected in Commission 1969 Mexican American Education Survey questionnaire sent to schools in the Southwest. (Hereafter cited as USCCR Spring 1969 Survey.) Information is available from Commission upon request.

39/ A unit is defined as a specific content area presented within the context of a social studies course.

40/ Excluded Student, p. 32.

Chicano Studies Programs

Chicano studies programs are another method of incorporating the history and culture of Mexican Americans into the curriculum. Chicano studies cross many disciplines, including history, economics, political science, sociology, and literature. Such courses present information regarding Chicanos' history, language, contributions in all fields of human endeavor, and their current status in all aspects of society. In a random sample of school districts in the five Southwestern States, district curriculum specialists were asked whether Chicano studies courses were offered and, if so, the number of students enrolled in the program. Approximately one of every four districts sampled reported having some type of Chicano studies program. Such programs, however, were often restricted to a single school within the district and even to a single class within a grade level of that school. Fewer than 2.3 percent of Chicano students and less than one percent of the total student population sampled were enrolled in Chicano studies programs. 41/

Thus, not only is the Chicano students' culture excluded or distorted in the textbooks, but Mexican American history courses and Chicano studies programs fail to reach the vast majority of Chicano students. According to one educator this exclusion is largely due to "the stress which the

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41/ Survey of Southwestern School Curricula, U.S. Commission on Civil Rights, March 1973. (Hereafter cited as SW Curricula Survey.) See Appendix A for methodology.

educational system has placed on acceptance of the dominant Anglo culture, and rejection of other 'un-American' cultures." 42/ For Chicano children in the Southwest, this has meant that to succeed in school, and in society in general, they must become "de-Mexicanized." 43/ In discussing the culturally undemocratic programs of schools, one source stated:

> Those who adhere to this philosophy not only assume that the culture of Mexican Americans has negative effects on the intellectual and emotional development of Mexican American children but also that the educational system need not be altered in any way. Educational programs developed on the basis of these conclusions then assume that the child is disadvantaged and must be changed. 44/

The exclusion and distortion of Chicano history and culture, as well as the exclusion of the histories and cultures of our nation's other minorities, in both curriculum and textbooks negatively affects all students. They fail to obtain a true understanding of the culturally pluralistic nature of the American heritage and contemporary society. Rather, they receive a severely distorted picture of the United States as a strictly Anglo product in which minorities seldom appear and then almost exclusively as "obstacles" to Anglo "progress." 45/

42/ Interview with Tomás Arciniega, dean of the School of Education, California State University, San Diego, May 1973.

43/ Tomás Arciniega, Public Education's Response to the Mexican American (El Paso, Tex.: Innovative Resources, 1971), p. 3.

44/ Manuel Ramirez, "Current Educational Research: The Basis for a New Philosophy for Educating Mexican Americans" (mimeo. paper prepared for a conference on Mexican American education sponsored by Univ. of Texas, 1969), pp. 5-6.

45/ Interview with Carlos Cortes, April 1973.

The consequences of cultural exclusion are more serious for Chicano children than majority group students. The exclusion or distortion of the Chicano culture in the curriculum creates serious conflict within the Chicano child. 46/ Young Chicanos come to school with a life experience centered around the Chicano culture. They are then confronted with a school which either ignores their culture or regards it as an undesirable obstacle to success. This exclusion very often fosters in Chicano children feelings of inadequacy and inferiority. Thus, when a group of Chicano students were asked their feelings about themselves in relation to their Anglo classmates their responses were summed up by those of two students who said, "It's no use because they are superior." "I am inferior and that's it." 47/

46/ Mari Luci Jaramillo, "The Future of Bilingual-Bicultural Education" (unpublished paper, 1972). Dr. Jaramillo is chairman of the Elementary Education Department at the University of New Mexico, Albuquerque.

47/ Interview with San Felipe - Del Rio (Tex.) students, February 1968.

Curriculum Decisionmaking

Decisions on curriculum are basically made at two levels of governmental authority: State and local. However, the Federal Government has indirect influence on the curricular decisionmaking process. 48/ Involved at the State and local levels are a variety of individuals, groups, and agencies. To understand more clearly how curricular decisions are made it is essential to identify the decisionmakers and to describe their influence over programs and policy.

State Decisionmaking

There are three main bodies in each of the five Southwestern States which officially regulate the curriculum offered. These are the State legislature, the State board of education, and the State department of education. In addition, State textbook committees assist in selection of textbooks for use throughout the State. Within each State there are differences in the influence each organization has in setting standards and curriculum requirements.

48/ Though the Federal Government is not involved directly in curricular decisionmaking, it can influence trends in new educational programs. This influence is exerted in part through funding of research to develop new curricular approaches. One of the principal focal points within the Federal Government for support of research and development of educational programs is the recently created National Institute of Education (NIE). The Commission questioned staff members of NIE in September 1973 to determine the extent to which NIE has funded research to develop innovative curricular approaches for Chicano children. Dr. Edward J. Barnes, advisor and director of the Office of Human Rights of NIE, noted that, of approximately $20.3 million allocated for curriculum development in FY 1973 (in the two NIE offices with primary responsibility for curriculum development--Office of Research and Exploratory Studies and the Office of Career Education), only $2.2 million is geared to Spanish speaking students. Dr. Barnes adds that, with the organization of its Office of Human Rights, the development of its Equal Educational Opportunity Committee, and the development of a reorganized bilingual-multicultural program, the Institute can be expected to increase its attention to the problems faced by Chicanos as well as other Spanish speaking pupils.

The State legislatures in all States have the authority to set specific requirements in all areas of education. While some legislatures set specific requirements and descriptions, general high school graduation requirements, and detailed requirements for vocational education, all five Southwestern State legislatures have vested varying degrees of their educational responsibility in two State education bodies. 49/ State law in each of the five Southwesten States establishes a State board of education, which is the State policymaking body for education, 50/ and a State department of education, under the direction of a chief education official (State superintendent, commissioner or director) to carry out the mandates of the legislature and board and to oversee the operation of State schools. 51/

49/ Ariz. Rev. Stat. § 15-1021 to 15-1043; § 15-102.15.19 (1956) (Amended 1972)
Cal. Educ. Code §§ 101, 351 (West 1969)
Colo. Rev. Stat. §§ 123-1-3, 123-1-4 (1971) State Bd. part of Dept.
N.M. Stat. Ann. §§ 77-2-1, 77-2-2, (1967) 77-2-6, 77-11-1 (1953) (Amended 1967)
Tex. Code Ann. §§ 11.01, 11.02 (1972)
Central Education Agency
(a) State Board
(b) State Board Voc. Ed.
(c) State Commissioner of Ed.

50/ Ariz. Rev. Stat. § 15-101 (1956) (Amended 1972)
Cal. Educ. Code § 101 (West 1959) (West 1969)
Colo. Rev. Stat. § 123-1-4 (1964), 123-1-5 (1964)
N.M. Stat. Ann. § 77-2-1 (1967) (Amended 1972)
Tex. Code Ann. § 11.24 (1972)

51/ Ariz. Rev. Stat. § 15-111 (1970) § 15-121 (1969) State Supt. of Public Inst.
Cal. Educ. Code §§ 351-353 (West 1969) Director of Education
Colo. Rev. Stat. §§ 123-1-1, 123-1-6 123-1-10 (1964) State Commissioner of Ed.
N.M. Stat. Ann. §§ 77-2-5, 77-2-6 (1967) State Supt. of Public Inst.
Tex. Code Ann. §§ 11.61, 11.63; §§ 11.51-11.52 (1972) State Commissioner of Ed.

In the educational hierarchy established by the legislatures, the State board of education is given the greatest education policymaking authority. State boards are empowered to review the educational needs of students in the State, to adopt and promote policies to meet those needs, to evaluate the achievements of the educational program, and to set policy concerning general curriculum needs. 52/ In Arizona and California the boards are appointed by the Governor; Texas, Colorado, and New Mexico have general elections to choose their members. 53/

State departments of education are the administrative bodies charged with carrying out the educational mandates of the legislature and the policies set by the State board of education. State departments of

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52/ Ariz. Rev. Stat. § 15-102 (1956) (Amended 1970)
Cal. Educ. Code §§ 151, 153 (West 1969)
Colo. Rev. Stat. §§ 123-1-4, 123-1-5 (1964)
N.M. Stat. Ann. §§ 77-2-1, 77-2-5, 77-2-6 (1953); 77-2-2 (1971)
Tex. Code Ann. §§ 11.24, 11.26 (1972)

53/ Board members appointed by Governor:
Ariz. Const. art. 11, § 3
Cal. Educ. Code § 101 (1969)

Board members elected in general election:
Colo. Rev. Stat. § 123-1-4 (1964)
N.M. Stat. Ann. § 77-2-4 (1953) (Amended 1969)
Tex. Code Ann. § 11.22 (a) (1972)

education are not delegated independent policymaking power but rather function as the technical arm of the State educational mechanism. 54/ However, departments of education exert influence through their authority to interpret and implement regulations set by the State legislatures and boards, and through their direct contact with districts. Mandates of the State legislatures and boards of educati n usually outline the theory behind a course or program but do not specify the method of implementation. State departments of education implement legislation and regulations by detailing components of courses and programs, defining the way programs are to be operated, the length of time to be allocated to programs within the curriculum, and by writing the publishers' specifications for texts to be used. Departments of education also assist districts in implementing new programs and in evaluating existing educational programs.

54/ Ariz. Rev. Stat. § 15-111 (1970)
Cal. Educ. Code §§ 352, 355, 371 (West 1969)
Colo. Rev. Stat. § 123-1-5 (4) (1964)
N.M. Stat. Ann. § 77-2-6 (1967)
Tex. Code Ann. § 11.61 (1972)

The State superintendent, commissioner, or director functions as the head of the State department of education. 55/ The State superintendent has considerable influence on the department of education and on the way the department shapes the educational program and curriculum statewide and in individual districts. In Arizona, Colorado, California, and Texas, the superintendent also sits with the board of education and in some cases can recommend policies and regulations for consideration by the board. 56/ Thus, as the board member most likely to be best informed on the educational status of the State, he has a strong base from which to suggest changes. The superintendent of education is elected in general election in California and Arizona; in Colorado, New Mexico and Texas he or she is appointed by the State board of education. 57/

55/ Ariz. Rev. Stat. §§ 15-121, (1969) 15-122 (Amended 1960)
Cal. Educ. Code § 352 (b) (West 1957)
Colo. Rev. Stat. §§ 123-1-6, 123-1-7 (1964)
N.M. Stat. Ann § 77-2-5 (1967)
Tex. Code Ann § 11.51 (1972)

56/ Ariz. Const. Art. 11 § 3 makes the superintendent of public instruction a member of the State board of education.
Cal. Educ. Code § 105 says that the superintendent of public instruction shall sit with the board.
Colo. Rev. Stat. § 123-1-7(a) (1964) the commissioner of education is a member of the board of education.
Tex. Code Ann § 11.52 (a) The commissioner of education shall serve as executive secretary of State board of education.

57/ Superintendent elected:
Ariz. Const. Art. 5, § 1 Superintendent is a member of executive department of the State and is elected for a two-year term.
Cal. Const. Art. 9, § 2 provides for election of superintendent of public instruction.
Superintendent appointed:
Colo. Rev. Stat. § 123-1-6 (1964) Commissioner of education appointed by the board.
N.M. Const. Art. XII § 6 (A) Superintendent appointed by board
Tex. Code Ann. § 11.25 (C) Commissioner of education appointed by board by and with consent of senate.

The process of textbook selection is important because of the impact the texts have on shaping the curriculum. Though technically the State board of education is authorized to select textbooks, in practice the responsibility is carried out, in four of the five States, by State textbook selection committees. 58/ In Arizona, California and Texas, textbook committees are appointed by the State board or the superintendent of education. In New Mexico, State department of education specialists appoint committee members. 59/ In general, the procedure for selecting textbooks involves writing publishers' specifications for texts by department of education staff, evaluation by the State textbook committee of publishers' sample texts, and selection of approved texts from which districts

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58/ Ariz. Rev. Stat. § 15-102-18 (1960) (Amended 1970)
Cal. Educ. Code. § 171, § 9302 (1969)
N.M. Stat. Ann §§ 77-2-2 (1967) Instructional material law
Tex. Code Ann §§ 12.01, 12.11 (e) (1925) (1972)

The exception is Colorado which has no State textbook committee, although lists are published for consideration by local committees, Interview with John F. Heberbosch, March 1973. Dr. Heberbosch is senior consultant, District Planning Services, Colorado State Department of Education.

59/ Interviews with department of education staff members in each State: Arizona, Mary Ellen Cooley, secretary to the State Board; California, Ellsworth Chunn, chief, Bureau of Textbooks; Colorado, John F. Heberbosch, senior consultant, District Planning Services; New Mexico, Henry Pascual, director, Cross Cultural Education; Texas, Guy West, assistant director, Textbook Division. Interviews conducted March 1973.

choose. 60/ Texts chosen by the district must be selected from the approved text list if the district wishes to receive State aid for textbooks. 61/ Any book used as a replacement or supplement to the texts on the approved list must be paid for from district funds. Within each State there are variations of this selection procedure.

At all levels in the curriculum decisionmaking process in each State there are opportunities for including Chicano culture as an integral part of the curriculum. Through the exercise of their authority, each of these bodies has a direct bearing on the curriculum offered in public schools and could bring about significant and needed changes. The legislature, for example, could require the institution of bilingual education programs for all non-English speaking children, as has been done in Massachusetts. 62/

60/ Ibid.

61/ Ibid. The exception is California which provides funds to districts for the purchase of textbooks and other instructional materials which need not be included on the State approved list. (See Cal. Educ. Code § 9442.)

62/ Ann. Laws of Mass., Chapter 71A (1972). The Transitional Bilingual Education Act, passed by the Massachusetts legislature and signed into law, Oct. 26, 1971, requires districts to provide bilingual education to each group of non-English speaking students who make up five percent of a district's enrollment or number 20 or more students.

Of the five Southwestern State legislatures, only Texas has passed such a bill.[63/] In fact, only recently have Southwestern legislatures acted even to permit the use of a language other than English as the medium of instruction.[64/] California, New Mexico, and Texas have allocated State funds for bilingual education. However, these programs reach less than two percent of the Chicano pupils in those States.[65/] English as a Second Language programs receive no State funding in Texas, New Mexico, California, or Colorado, and only limited funding in Arizona.[66/] Only California and Colorado have made provisions for requiring inclusion in the curriculum of the history and contributions

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63/ S.B. 121, 63rd. Sess. Reg. Sess. (1973), H.B. 139, 63rd. Sess. Reg. Sess. (1973).

64/
Arizona Rev. Stat	§ 15-202
Calif. Educ. Code	§ 8552
Colo. Rev. Stat	§ 123-21-3
N.M. Stat. Ann.	§ 77-11-12 (1969)
Tex. Code Ann.	§ 11.11 (1971)

65/ Projected estimates for Chicano enrollment in State-funded bilingual programs for 1973-74 provided by State department of education staff members: Arizona, John Maines, director, Migrant Education; California, Morris Krear, consultant, Bilingual-Bicultural Task Force; Colorado, Bernardo Martinez, consultant, Bilingual-Bicultural Education; New Mexico, Weldon Perrin, deputy superintendent for public instruction; Texas, Ernest Zamora, consultant, Office of International and Bilingual Education. Interviews in July 1973.

66/ Ibid.

of minority groups.[67] However, these provisions carry no mechanism to monitor compliance.

The failure of the State legislatures to act vigorously to improve educational opportunities for Chicano children may be due in part to the comparative lack of Chicano representation in the legislatures. Of a total of 602 legislators in Arizona, California, Colorado, New Mexico, and Texas, only 62 are Mexican American, and more than half of these are in New Mexico.[68] (See Table 2.) In the four other Southwestern States combined, Chicanos comprise barely six percent of the legislators.

State boards of education have also failed to set policies designed to meet the specific needs of Chicano children. One of the duties of all State boards of education is to oversee the operation of public schools and to review the educational needs of the States.[69] Despite the low achievement and high dropout rates for Chicano students, State boards have not acted

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67/ Cal. Educ. Code, § 8576 (1973)
Colo. School Laws § 123-21-4 (2) (1969)

68/ Current lists of State legislators for each State as of March 1973 provided by: Arizona and California, Ken Smith, Common Cause, San Francisco; Colorado, Paula Herzmark, Common Cause, Denver; New Mexico, Jack Webber, Frontera del Norte Citizens Groups; Texas, Milton Tobian, Common Cause, Austin,

69/ Ariz. Rev. Stat. §§ 15-102 (1960) (Amended 1970)
Cal. Educ. Code §§ 152, 153 (1969)
Colo. Rev. Stat. 123-1-5 (1964)
N.M. Stat. Ann 77-2-2 (1967)
Tex. Code Ann § 11.24, § 11.26 (1949)

TABLE 2. MEXICAN AMERICAN REPRESENTATION ON STATE LEGISLATURES

	Number of Mexican American Legislators	Total Number of Legislators	Percentage of total legislators that is Mexican American	Percentage of total student population that is Mexican American*
Arizona	11	90	11.1%	19.5%
California	5	118	4.2	16.5
Colorado	4	100	4.0	13.7
New Mexico	32	113	28.3	39.4
Texas	10	181	5.5	22.6

Source: Current lists of State legislators for each State as of March 1973 provided by: Arizona and California, Ken Smith, Common Cause, San Francisco; Colorado, Paula Herzmark, Common Cause, Denver; New Mexico, Jack Webber, Frontera del Norte Citizens Groups; Texas, Milton Tobian, Common Cause, Austin.

* Percentages calculated from "Universe Projections" data in forthcoming Directory of Public Elementary and Secondary Schools in Selected Districts, Fall 1972 (Office for Civil Rights, HEW).

decisively to establish new and more effective curricular programs for Chicano students. In the entire Southwest, only six State board members are Mexican American (see Table 3).[70/]

The State departments of education under the direction of the State superintendents develop general guidelines for districts in accordance with policy set by State legislatures and boards of education. There is nothing to prevent State departments from setting comprehensive guidelines to further equal educational opportunity for Chicano children. Such comprehensive guidelines would be aimed at meeting the educational needs of Chicanos in the areas of curriculum, student assignment, teacher training, and others.[71/] None of the five Southwestern States, however, has developed such guidelines. In addition, districts are seldom reviewed in

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70/ Interviews with staff members in the State departments of education, March 1973. Arizona, J.O. Maines, director, Migrant Education; California, Morris Krear, consultant, Bilingual-Bicultural Task Force; Colorado, John F. Heberbosch, senior consultant, District Planning Services; New Mexico, Henry Pascual, director, Cross-Cultural Education; Texas, Severo Gomez, assistant commissioner for International and Bilingual Education.

71/ The departments of education could develop regulations regarding equal educational opportunity similar to the memorandum regarding the "Identification of Discrimination and Denial of Services on the Basis of National Origin" of May 25, 1970, from the Office of Civil Rights at HEW. For a full discussion of the provisions of the May 25 memorandum, see pp. 128-183 of this report.

TABLE 3. MEXICAN AMERICAN REPRESENTATION ON STATE BOARDS OF EDUCATION

	Number of Mexican American Board Members	Total Number of Board Members	Percentage of Total Board Members that is Mexican American	Percentage of Total Student Population that is Mexican American*
Arizona	0	9	0%	19.5%
California	1	10	10	16.5
Colorado	0	5	0	13.7
New Mexico	3	10	30	39.4
Texas	2	24	8.3	22.6

Source: Interviews with staff members in the State departments of education March 1973. Arizona, J. O. Maines, director, Migrant Education; California, Morris Krear, consultant, Bilingual-Bicultural Task Force; Colorado, John F. Heberbosch, senior consultant, District Planning Services; New Mexico, Henry Pascual, director, Cross-Cultural Education; Texas, Severo Gomez, assistant commissioner for International and Bilingual Education.

* Percentages calculated from "Universe Projections" data in forthcoming Directory of Public Elementary and Secondary Schools in Selected Districts, Fall 1972 (Office for Civil Rights, HEW).

order to assess the effects of the educational program on Chicano children and to provide needed technical assistance. Only in New Mexico does the State department of education conduct any type of periodic review and evaluation. 72/ (Chicano representation on the staffs of State departments of education is disproportionately low; see Table 4.) Similarly, none of the five State superintendents in the Southwest is Chicano.

Although textbook committees could act to insure that Chicanos and other minorities are fully and fairly represented in the approved texts, they have not done so. 73/ Again, Chicano representation is low. New

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72/ SW Curricula Survey. See Appendix A for methodology.

73/ Cal. Educ. Code § 9240 (1973) requires that textbooks and other instructional materials used in California schools accurately portray the culture and racial diversity of our society including the role and contributions of Mexican Americans and other ethnic and cultural groups to the total development of California and the United States.
The California Board of Education instituted during 1971 a Task Force on the Treatment of Minorities to evaluate and recommend changes in social science textbooks. This committee had three Chicano members of a total of 13. Recommendations for change in social science textbooks were made by the Committee. However, the recommendations were not fully implemented. The Committee's report is available from the Bureau of Textbooks in the California Department of Education. The title of the report is "Taskforce to Reevaluate Social Science Textbooks, Grades Five through Eight: Report and Recommendations," December 1971, California Department of Education, Sacramento, Calif.

TABLE 4. MEXICAN AMERICAN REPRESENTATION ON STAFFS OF STATE DEPARTMENTS OF EDUCATION

	Mexican American Staff Members in Department of Education	Total Professional Staff Members in Department of Education	Percentage of Total Professional Staff that is Chicano	Percentage of Total Student Population that is Chicano*
Arizona	11	114	9.6%	19.5%
California	32	1108	2.9	16.5
Colorado	5	94	5.3	13.7
New Mexico	37	122	30.3	39.4
Texas	25	460	5.4	22.6

Source: Interviews in February 1973 with personnel directors for the five State departments of education. Arizona, Owen Romaine; Colorado, James L. Fike; New Mexico, John Fenol; Texas, Richard Steele. Information on California from the "Report to Wilson Riles on the 1972 Ethnic and Sex Representation Study of the Department's /of Education/ Employees (with Affirmative Action Plan)."

* Percentages calculated from "Universe Projections" data in forthcoming Directory of Public Elementary and Secondary Schools in Selected Districts, Fall 1972 (Office for Civil Rights, HEW).

Mexico has the highest Chicano representation on the State textbook committee, but even here only one of every five committee members is Chicano. [74/] In Texas, only one of the 15 members on the textbook committee is Chicano. [75/] In both Arizona [76/] and California [77/] Mexican American representation is only 5.5 percent.

District Curriculum Policymaking

Beyond the requirements which are set by the State, local school districts have the most direct responsibility for developing their own curriculum. There are three main decisionmakers at the district level. These are the school board, the school district administrative staff, and the teachers themselves.

74/ Interview with Henry Pascual, April 1973. Mr. Pascual is director, Cross-Cultural Education, New Mexico State Department of Education.

75/ Interview with Guy West, April 1973. Mr. West is assistant director, Textbook Division, Texas Education Agency.

76/ Interview with Mary Ellen Cooley, April 1973. Ms. Cooley is secretary to the State Board of Education, Arizona Department of Education.

77/ Interview with Ellsworth Chunn, April 1973. Mr. Chunn is chief, Bureau of Textbooks, California State Department of Education.

The district school board generally must approve all decisions regarding the curriculum as well as textbooks. 78/ The boards' major responsibilities in regard to curriculum lie in approving changes which are recommended by the district office rather than in actually developing the curriculum. 79/ The boards also set general policy on curriculum, such as content material which may or may not be taught and the emphasis that will be placed on certain types of innovative educational programs. Finally, the boards approve expenditures of funds for curriculum, including funds for special programs within the regular curriculum. 80/ In the vast majority of districts, school board members are elected at large in general elections. 81/

78/ SW Curricula Survey.

79/ SW Curricula Survey.

80/ SW CHrricula Survey.

81/ In most cities or other political jurisdictions with a majority population under 50 percent, at-large elections seldom produce minority office holders. Election by ward or single-member district makes it possible for a minority representative to be elected in areas of high concentration of minority voters.

The district administrative staff has responsibility for the development of the curriculum.[82] In most districts a curriculum or instruction director is chosen by the district superintendent to supervise the design of the curriculum. In smaller districts the superintendent acts as the curriculum director. District curriculum directors must incorporate mandates of all State decisionmaking bodies, policy set by the local school board, and define the district's own educational priorities in developing the educational program for the district. Most decisions regarding the curriculum are made by the curriculum director in consultation with other administrators and with teachers.[83] Thus, implementation of special programs or modification of the curriculum to meet the educational needs of Chicano children must be initiated by administrators at the district level. Further, decisions about whether the district will apply for Federal or State discretionary funds[84] for new educational programs are often left up to the curriculum director and the district administration. Thus, district administrators, in particular the curriculum director, greatly influence the total educational program that will be implemented in district schools.

82/ SW Curricula Survey.

83/ SW Curricula Survey.

84/ Discretionary funds are those funds which are not automatically given to districts but which are allocated for special programs. Districts must make application for such funds to either the Federal Office of Education or to the State departments of education.

The district curriculum director is also authorized to select district textbooks from the list developed by the State. Most curriculum directors are assisted in selecting textbooks by teachers from district schools. In large districts teachers in each school elect one representative member to the textbook committee. In small districts all teachers serve on the committee.[85/] All teachers are asked to review the books and make recommendations to their representative. Committees are set by grade level for elementary school books and by subject matter for intermediate and secondary level books. Textbook committees select one book from the State-approved list, which must then be approved by the curriculum director and finally by the school board. The curriculum director and school board generally approve texts recommended by the local textbook committee.[86/]

The curriculum decisionmaking process at the district level, as at the State level, is typified by a lack of Chicano participation. Chicano membership on school boards is of critical importance if the needs of Chicano students are to be given priority attention in all aspects of the curriculum. Because the boards approve all major curricular recommendations, membership on the school boards insures the opportunity to review the curriculum before it is implemented. However, school boards in the Southwest are over-

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85/ SW Curricula Survey.

86/ SW Curricula Survey.

whelmingly Anglo. Even in districts with 10 percent or more Mexican American enrollment, only 10 percent of school board members are Chicanos.[87] The majority of these Chicano members are in high density Mexican American areas in south Texas and northern New Mexico. Only in New Mexico is Chicano school board membership proportionate to Chicano enrollment.

Of equal importance is minority representation on district administrative staffs. This is particularly the case for those positions which have the greatest impact on curriculum: the district curriculum director and the district superintendent. Because the curriculum director is the single person who most directly influences the educational program, the position is critical to development of a curriculum which responds to the needs of all children. In a survey of Southwestern districts, it was found that only 3.7 percent of curriculum directors are Mexican American.[88] Further, only five percent of district superintendents and seven percent of the total district administrative staff are Chicanos.[89]

87/ U.S. Commission on Civil Rights, Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest, Report I, Mexican American Education Study (Washington, D.C.: GPO, 1971), p. 55. (Hereafter cited as Ethnic Isolation.

88/ SW Curricula Survey.

89/ Ethnic Isolation, p. 56.

Teachers, in large part, select textbooks at the district level. In that part of the decisionmaking process, Chicanos also are underrepresented. Of approximately 350,000 teachers in the Southwest, only 16,500 or about 4.7 percent are Chicanos. 90/ The majority of these teachers are in predominantly Chicano districts. Consequently, in those districts with a relatively small proportion of Chicano students, not only are there fewer Chicano teachers, but it is also less likely that Chicanos will be represented on textbook selection committees.

Because Chicano participation in the formalized decisionmaking process is so limited, a very valuable alternate source of information regarding the Chicano student and the educational program is Chicano parent and community groups. However, parents and interested community individuals are involved in decisions concerning curriculum only at the discretion of district administrators. In most cases community participation in curriculum is either informal or on an advisory basis. 91/ In a random sample of districts in the Southwest it was found that only eight percent of districts surveyed have parent advisory groups which are specificially designed to review curriculum. 92/ Thirty percent of districts

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90/ The total number of teachers and percent Chicano were calculated from "Universe Projections" data of 1972-73 staff members, Directory, 1972.

91/ SW Curricula Survey.

92/ SW Curricula Survey.

surveyed have general advisory groups. However, because curriculum is only one of many areas of responsibility of such groups, they generally can focus only limited attention specifically on matters of curriculum. 93/ In none of the districts surveyed were parents or other community representatives involved in the actual development of curriculum. In the majority of districts, advisory groups were involved in setting very broad goals and had very little, if any, influence on the educational program.

Chicano parental input into the curriculum is further discouraged due to exclusive use of English in many school board and PTA meetings. Exclusive use of English not only discourages Spanish speaking parents from attending such meetings but also limits understanding and active participation in the proceedings. Only eight percent of elementary and two percent of secondary school PTA meetings are conducted in both English and Spanish.94/ Further, only 25 percent of schools in districts 10 percent or more Mexican American send notices home in both Spanish and English.

93/ SW Curricula Survey.

94/ Excluded Student, p. 42.

Curriculum in the schools of the Southwest is geared to meeting the educational needs of the middle-class Anglo child. The needs of Chicanos, the largest minority in that area of the country, have been virtually ignored. Their language, culture, and heritage have been largely excluded from the curriculum. To the extent that reference is made to Chicano language and culture it is often derogatory.

Some efforts have been made to develop curriculum which is responsive to the Chicano child. A number of special programs to meet the child's "language deficiency" and "cultural disadvantage" have been implemented in Southwestern schools. However, these programs have for the most part viewed the child as deprived or handicapped, rather than as a child with different skills, knowledge, and interests. Further, these programs are in general "patchwork" responses to an exclusion of the Chicano child which pervades the entire curriculum. One major program which meets Chicano children's educational needs and accepts them as they come to the school is Bilingual Education. However, this program reaches only a minute portion of all Chicano students.

The Chicano is grossly underrepresented in the decisionmaking process by which curriculum is determined at both the State and district level. Representation in groups such as the State legislature, State and local school boards, and departments of education is of great importance because these bodies set policy and requirements for

curriculum as well as the tone and focus for curriculum statewide and in local school districts. But at no level of decisionmaking are Mexican Americans adequately represented or their educational interests and needs adequately met.

CHAPTER III

STUDENT ASSIGNMENT PRACTICES

Three practices common to many schools in the U.S.--grade retention, ability grouping, and placement of students into classes for the mentally retarded--are aimed at providing an environment where students can achieve at the level of their ability. All three reflect evaluations by school officials concerning student abilities. Thus, students who are required to repeat a grade are, in effect, told that they are not succeeding--that they, unlike most of their classmates, are not at a sufficient level of preparedness to advance to the next grade level. The practice of ability grouping involves separating students into classes for slow, average, and high achievers based on their perceived ability or achievement. When a student is judged to be incapable of performing in a regular classroom, the school may place him or her in a class for the educable mentally retarded.

Under all three practices, school children are weighed in the balance by the educational system. Many are found wanting. A disproportionate number of these in the Southwest are Mexican American.

A. Grade Retention

Grade retention is practiced almost exclusively at the elementary school level.[95/] Ten percent of all first graders in the Southwest are required to repeat the grade. At the fourth grade level slightly more than two percent of the students are retained in grade.[96/]

The impact of grade retention is of special importance to Chicano children because, on the average, they are retained in grade at more than twice the rate for Anglo students in the Southwest. In the State of Texas the rate of grade retention for Mexican American first grade children is more than three times the rate for Anglo children; the rates are 22 percent and seven percent, respectively. In the Southwest as a whole, 16 percent of Mexican American students, but only six percent

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95/ A Commission examination of available data at the junior high and high school levels reveals that students are seldom required to repeat a grade. Unlike the elementary years of schooling, in these grades, students are assigned separate teachers and classes for each subject; if there are reasons for retention, the students are usually required to repeat one or two courses rather than a whole year's work. Required course repetition is likely to have less pervasive effects on students than is grade retention. Most junior high and high school students take between four and six courses in a given year. If they are required to repeat one or two of these courses, it should have a less severe impact than if they are required to repeat a complete year's work. Because of this, and because of a lack of careful studies on the effects of required course repetition, the following discussion will be limited to the practice of grade retention.

96/ Percentages are calculated from unpublished data, USCCR Spring 1969 Survey.

of Anglos, are retained in first grade. At the fourth grade level, where the overall grade retention rate is only two percent, the rate for Chicanos is 3.4 percent, but only 1.6 percent for Anglos. 97/

There are a number of obvious drawbacks to grade retention. First, this practice disrupts the progress of a student through school. Second, it separates the student from his or her promoted friends and exposes the student to ridicule for having "failed." It also is very expensive for the school system. For each child, the average cost of an additional year of instruction in the schools of the Southwest is $948. 98/ It is estimated that grade retention at the elementary school level costs the five Southwestern States about $90 million a year. 99/

In view of these drawbacks, grade retention can be justified only to the extent that it affords demonstrable benefits to the students. According to educators who favor the practice, grade retention serves two major purposes: to remedy inadequate academic progress and to aid in the develop-

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97/ At the 12th grade level, 17 percent of the Chicanos and only 8 percent of the Anglos are required to repeat one or more courses (USCCR Spring 1969 Survey).

98/ Estimated by a weighted average of the 1970-71 total expenditures per pupil in average daily attendance for Arizona, California, Colorado, New Mexico, and Texas; the fall 1971 enrollments for these States were used as weights. Statistics are from the 1973 World Almanac (New York: Newspaper Enterprise Association, 1973), pp. 334-335.

99/ See Appendix B for data sources and methodology of estimate. Estimates indicate that grade retention in elementary schools costs Arizona about $3.5 million a year; California, about $43.2 million a year; Colorado, $2.6 million; New Mexico, $3.0 million; and Texas, $37.2 million a year.

ment of students who are judged to be emotionally immature. 100/

To what extent are these purposes really served by the practice of grade retention? In those cases where students are required to repeat a grade for academic reasons, is there reliable evidence that they will learn more if they repeat a grade than if they are promoted? Moreover, can educators be confident that grade retention will not harm students in other ways, such as in their emotional and social development? Similarly, when students are required to repeat a grade because they are deemed to be emotionally immature, is there good evidence that this is likely to benefit their emotional development and not harm their academic progress?

The Commission conducted an extensive review of available research on the effects of grade retention. Forty-four original studies on this topic were located, but most of them were so poorly designed that it is impossible to draw reliable inferences from their findings. (The major methodological defects of the poorly designed studies are outlined in appendix C.) Results from the few studies which were well designed do not demonstrate benefits from grade retention, as discussed below.

100/ John I. Goodlad and Robert H. Anderson, The Non-graded Elementary School, rev. ed. (New York: Harcourt, Brace and World, 1963), pp. 32-33.

Grade Retention for Academic Purposes

Schools most frequently require a student to repeat a grade when the student has not gained the level of knowledge and skills expected upon completion of that grade. The rationale is that students who have not adequately mastered the material at the grade level they have just completed will not be equipped to profit from the material at the next higher grade level and, for their own good, should not be promoted 101/

The Commission located only three well designed studies concerning the effects of grade retention on students' achievement. None of these studies indicate that grade retention actually benefits the students academically.

One research project studied 700 elementary students who were making very poor academic progress. The students were randomly divided into two groups, matched on the basis of age, measured intelligence, achievement, and personality traits. One group was promoted and the other was required to repeat the grade. At the end of the semester there were no statistically significant differences 102/ between the two groups of students on tests of various academic skills. 103/

101/ Goodlad and Anderson, Non-graded School, pp.32-33.

102/ A statistically significant result is one whose direction has a high probability of accurately representing a true condition. A non-significant result is more likely to misrepresent a true condition because of measurement errors or an unrepresentative sample.

103/ Walter W. Cook, Grouping and Promotion in the Elementary School (Minneapolis: Univ. of Minnesota Press, 1941), pp. 41-49.

The second study was conducted with 400 second to fifth grade students over a six-month period. There were no statistically significant differences in achievement between the fourth and fifth graders who were promoted and those who were retained in grade. The second and third graders who were promoted made significantly greater gains in their reading scores than their retained peers, but there were no significant differences in their arithmetic scores. 104/

The third study involved 141 students in grades two to six and was conducted over a full year. The researchers concluded: "Of the two equated groups of potential failures, the trial-promotion group shows greater progress during the succeeding term than does the repeating group," but does not report whether the observed differences were statistically significant. 105/

None of the studies which permit reliable inferences show that retained students make significantly more progress than students with similar achievement lags who are promoted. Thus, the existing research does not support the conclusion that grade retention will facilitate greater academic progress.

104/ Eugene S. Farley, "Regarding Repeaters - Sad Effects of Failures Upon the Child," Nation's Schools, Vol. 18, No. 4 (Oct. 1936), pp. 37-8.

105/ Vivian Klene and Ernest Branson. The study is described in an editorial comment, Elementary School Journal, Vol. 29 (April 1929), pp. 564-6.

These three studies, however, are not adequate for making firm, broad generalizations about the effects of grade retention on students' academic achievement. First, the studies do not include representative samples of our nation's schools and students. Second, the most recent study is more than 30 years old and the circumstances in the public schools of the 1970's may make the effects of grade retention different than they were in the 1920's and 1940's. Third, the studies fail to investigate the long-term effects of grade retention, which may differ from the short-term effects.

In addition, it seems that neither grade retention nor automatic promotion, as they currently are practiced, are the most effective means of helping students with academic difficulties. Good educational practice dictates that students' academic difficulties should be diagnosed and that special instruction should be given to overcome the difficulties.[106/] Diagnosis and special help, however, are not normally undertaken either when students are retained in a grade or when they are promoted to the next grade.[107/]

106/ Patrick Ashlock and Alberta Stephan, Education Therapy in the Elementary School (Springfield, Ill.: Charles C. Thomas, Pub., 1966), pp. vii-x.

107/ Walter H. Worth, "Promotion or Nonpromotion?" Educational Administration and Supervision, Vol. 46, No. 1 (Jan. 1960), pp. 18, 21.

When students who are having serious academic difficulties are promoted to the next grade, they lack the academic skills expected of students at that grade. This probably makes it difficult for them to benefit fully from the teaching and work normally provided. On the other hand, when the same students are required to repeat a grade, they are merely recycled through a program which was inappropriate for them the first time and which will be equally inappropriate and of even less interest to them the second time. This is particularly true for Chicano children, for whom the school programs in the Southwest generally are so poorly adapted.

Grade Retention to Aid Emotional Development

Students are sometimes retained in grade because school personnel judge that they are emotionally or socially immature for their age. These students are seen as unable to relate adequately to their peers or to deal with the responsibilities assigned to students at a particular grade level. Some educators who advocate grade retention believe that such students will be in a better position to develop if they are held back a year and placed in a class where responsibilities coincide more closely with their level of maturity.[108/]

108/ Betty A. Scott and Louise B. Ames, "Improved Academic, Personal and Social Adjustment in Selected Primary-School Repeaters," The Elementary School Journal, Vol. 69, No. 8 (May 1969), p. 434.

Precise statistics are not available to indicate the extent to which alleged emotional or social maladjustment accounts for the fact that Chicanos are retained in grade at more than twice the rate of Anglos. However, the manner in which the decisions are made to retain students in grade for such conditions suggests that this may be a major factor. It also suggests that many Chicano children may be inaccurately judged as emotionally or socially immature and required to repeat a grade by reason of this inaccurate judgement.

Decisions to retain students in grade because of emotional or social immaturity typically are not made on the basis of objective data but, rather, on the basis of the judgments of teachers and principals, neither of whom generally has received any specific training that qualifies them for making these judgments. Occasionally, the school counselor makes the judgment that a student is not sufficiently mature to be permitted to go on to the next higher grade. Although counselors frequently have received special training in assessing emotional and social development, most counselors, like most principals and teachers, are Anglos and tend to have only a superficial understanding of the Chicano culture and little or no facility in speaking Spanish.[109/] In addition, rarely do principals, teachers, and counselors visit the homes and communities of Chicano pupils. Their only opportunity to observe these students is when the students are under the

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109/ See pp. 109-127 of this report.

stress of trying to cope with the unfamiliar and often hostile environment of the school. 110/

Thus, judgments regarding the emotional and social adjustment of Mexican American students are likely to be based on limited information and distorted perceptions of Chicano behavior. Indeed, there is evidence that Anglos, even those with professional training in psychology, often incorrectly perceive the culturally different behavior of Mexican American students as "pathological." 111/

The Commission's review of the research literature did not locate any well designed study of the effects of grade repetition on emotionally immature pupils. Apparently, there is no reliable research supporting the use of grade retention to help students perceived as emotionally or socially immature.

110/ Alfredo Merino, Conference on Counseling, U.S. Commission on Civil Rights, Nov. 17-18, 1972. (Hereafter cited as Counseling Conference.) Dr. Merino is a superintendent intern in the Rochester City School District, Rochester, New York.

111/ Amado M. Padilla and Rene A. Ruiz, Latino Mental Health - A Review of Literature (Rockville, Md.: National Institute of Mental Health, HEW, 1973), chs. 2-4.

In conclusion, there is no reliable evidence indicating that grade retention is more beneficial than grade promotion for students with academic, emotional, or social difficulties. Only three of the 44 located studies on the effects of grade retention were judged to have adequate enough designs for reliable results, and all three of these studies support this conclusion. In addition, as appendix C of this report shows, the results of the many unreliable studies do not contradict the conclusion above.

Additional research, of a much higher quality than common in the past, will be needed to compare validly the effectiveness of grade retention, automatic promotion, and other means of helping students with serious lags in their academic achievement or emotional and social development. Until that research is completed, there is little justification for the use of grade retention--as it is currently practiced--without careful diagnosis of students' difficulties and special help to remedy them.

This unjustified practice is not only very expensive, but it often results in serious hardships for the retained students. Furthermore, in the Southwest, the burden of these hardships falls disproportionately on Chicano students because they are twice as likely as Anglos to be required to repeat a grade.

B. Ability Grouping

Ability grouping may take a variety of forms.[112] Two common types are tracking, which is the practice of assigning students to the same ability group for all academic classes, and homogeneous grouping, by which students may be placed in different ability group classes for different academic subjects.[113] Although tracking is more rigid than homogeneous grouping, in that the student is in the same ability group for all his classes, both forms tend to be inflexible.

112/ According to Findley and Bryan in Ability Grouping: "Ability grouping in a school district may take one of several forms, but chiefly one of four varieties:

"1. Ability grouping of children in all school activities on the same basis. /Tracking/

"2. Ability grouping for all learning of basic skills and knowledge on the same basis, but association with the generality of children of the same age in physical education and recreation. /Tracking/

"3. Ability grouping for learning of basic academic skills and knowledge on the same basis, but association with the generality of children of the same grade in less academic activities, including physical education, art, music, and dramatics. /Tracking/

"4. Ability grouping for learning of individual subjects or related subjects on different bases related to progress in mastering areas (for example, language arts v. mathematics), but association with the generality of children of the same grade in non-academic areas. This has sometimes been referred to as 'achievement grouping.'" /Homogeneous grouping/ Warren G. Findley and Miriam M. Bryan, Ability Grouping: 1970 (Athens, Ga.: Center for Educational Improvement, Univ. of Georgia, 1970), p. 2.

113/ One type of ability grouping which is not discussed in this section is grouping students within a particular classroom. This type of grouping differs substantially in its nature and consequences from the two types discussed and is therefore not dealt with here.

Students usually remain in their assigned group for an entire year, and there is little opportunity for movement from one ability group to another.

The use of grouping by ability is decreasing, but it is still a widespread phenomenon in the Southwest. Of approximately 1,100 schools surveyed by the Commission in the five Southwestern States, 63 percent of the elementary schools and 79 percent of the secondary schools practice some form of ability grouping. The practice is more prevalent in schools with a high proportion of Mexican Americans (75 percent to 100 percent) than in schools where there are few Mexican Americans (0 percent to 24.9 percent). (See Table 5.) Tracking is practiced by about 20 percent of the schools with fourth grades and 13 percent of the schools with eighth grades.[114/] However, schools with fourth grades with a heavy concentration of Mexican Americans are twice as likely to practice tracking as those with a small percentage of these students. Mexican American schools with eighth grades are three times as likely to practice tracking as Anglo schools. (See Table 6.)

An analysis of schools which practice some form of ability grouping shows that Chicano students are grossly overrepresented in low ability group classes and correspondingly underrepresented in high ability group classes. Thus, in schools where Chicanos are less than 25 percent of the enrollment, they constitute 35 percent of the low ability group classes but only eight percent of the high ability

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114/ Data for schools with 12th grades were insufficient for analysis. Schools with 4th grades refer to all schools which have a 4th grade, but not an 8th or 12th grade. Schools with 8th grades refer to all schools with 8th grades but not a 12th grade. Schools with 12th grades are all schools with classes at that grade level.

TABLE 5. PERCENT OF SCHOOLS WHICH PRACTICE GROUPING IN SOUTHWESTERN DISTRICTS 10 PERCENT OR MORE MEXICAN AMERICAN*

Percentage of School Composition which is Mexican American	Percentage of Schools Which Group	
	Elementary Schools	Secondary Schools
0-24.9%	61.6%	79.2%
25-49.9	66.5	77.6
50-74.9	62.5	81.3
75-100	66.4	83.3
Total	63.4	79.3

Source: Unpublished data, USCCR Spring 1969 Survey

* Only districts with 10 percent or more Mexican American enrollment were included in the survey.

TABLE 6. PERCENT OF SCHOOLS WHICH PRACTICE TRACKING IN SOUTHWESTERN DISTRICTS 10 PERCENT OR MORE MEXICAN AMERICAN

Percent of School Composition which is Mexican American	Percent of Schools which Track: *	
	in 4th Grade	in 8th Grade
0-24.9%	17.9%	8.3%
25-49.9	15.8	10.4
50-74.9	20.5	26.8
75-100	36.2	28.5
Total	19.5	12.6

Source: Unpublished data, USCCR Spring 1969 Survey

* There were too few schools which tracked at the 12th grade level for comparison. See note 114, p. 62 of this report.

group classes. In schools 25 to 50 percent Mexican American, the figures are 57 percent for low groups and 19 percent for high. In schools with more than 50 percent Mexican American enrollment, more than three of every four students in low ability group classes are Chicano, but only two of every five in high ability group classes are Chicano (see Table 7).

Distribution of Chicano and Anglo students across ability groups also shows overrepresentation of Mexican Americans in low ability group classes and underrepresentation in high ability group classes. A majority of students--Chicano and Anglo alike--are placed in medium ability group classes, but there is a sharp disparity in the assignment of Anglo and Mexican American children to low and high ability groups. Thus, one of every three Chicano children are assigned to low ability group classes, while only one of every seven Anglo children are assigned to such classes. By contrast, more than one of every four Anglo children are placed in high ability group classes, while fewer than one of every seven Chicanos are so assigned (see Table 8).

The disparity in the assignment of Anglo and Chicano children is strong regardless of the ethnic composition of the schools. Thus, in schools with less than 25 percent Mexican American enrollment, 36 percent of the Chicano students are in low groups and only 10 percent are in high groups. The corresponding figures for Anglos are 15 percent in low and 23 percent in high groups. In schools where Chicanos represent a majority of the enrollment, only 19 percent are in a high ability group, while 30 percent are assigned to low ability group classes. For Anglos, 44 percent are in high groups and only 13 percent in low groups.

TABLE 7. MEXICAN AMERICAN PERCENT COMPOSITION IN CLASSROOMS OF VARIOUS ABILITY GROUP LEVELS

Percent of School Composition which is Mexican American	Ability Group Level			
	Low	Medium	High	Mean
0-24.9%	34.9%	15.1%	8.3%	17.5%
25.0-49.9	56.6	33.8	19.0	35.8
50.0-100.0	76.0	62.4	40.3	62.6

Source: USCCR Field Study, Oct. 1970 - Feb. 1971.

TABLE 8. PERCENTAGE DISTRIBUTION OF CHICANOS AND ANGLOS IN EACH OF THE SPECIFIED ABILITY GROUP LEVELS

Percent of School Composition which is Mexican American	Student Ethnicity	Ability Group Level			
		Low	Medium	High	Total
0-24.9%	Chicanos	36.4%	53.6%	10.0%	100.0%
	Anglos	14.6	62.1	23.3	100.0
25.0-49.9	Chicanos	36.2	55.2	8.6	100.0
	Anglos	15.5	62.6	21.9	100.0
50.0-100.0	Chicanos	30.2	50.4	19.4	100.0
	Anglos	12.6	43.8	43.5	99.9*
Total	Chicanos	33.4	52.7	13.9	100.0
	Anglos	14.6	59.1	26.3	100.0

Source: USCCR Field Study, 1970-71.

* Figures do not add to 100 percent due to computer rounding.

In view of the continued prevalence of the practice of ability grouping and the fact that Chicano students are assigned disproportionately to low ability groups, certain fundamental questions arise. On what basis are school children assigned to different ability groups? Do the criteria for assignment provide reasonable assurance that children are assigned to their proper ability group? Beyond this, what are the relative advantages and disadvantages of ability grouping as currently practiced? Does it help or hinder students, particularly those who, like Mexican Americans, are assigned disproportionately to low ability groups?

Criteria for Ability Group Placement

Several methods are used to evaluate students for ability group placement. Each seeks to determine the achievement level of students and, on that basis, to assign them to the appropriate group. The principal method is an evaluation of the students' performance on IQ or standardized achievement tests. The recommendations of teachers and of school counselors are other methods used. All have built-in flaws which tend to channel Mexican American students into the lowest ability group.

One very important flaw in IQ or intelligence tests is that they tend to measure the students' ability to read and understand English, rather than their actual intelligence. One study concluded: "Intelligence test scores for Chicano children reflect socio-cultural variables, especially the ability to speak the English language, rather than innate intelligence." 115/

115/ Uvaldo H. Palomares and others, "Examination of Assessment Practices and Tools and the Development of a Pilot Intelligence Test for Chicano Children" (Washington, D.C.: Office of Economic Opportunity, Grant No. CG9634A/O, 1972), p. 45.

Even when Spanish translations are used, or when the students speak English, there is still a built-in cultural bias.[116/]

The use of standardized achievement tests also presents serious questions. Many authorities have stated that there are inherent cultural and linguistic biases in these tests.[117/] Basically, these biases are of three types. First, the tests may refer to things, concepts, or experiences with which Chicanos in general are not familiar. Second, Chicanos may understand the concepts but not be familiar with their application in the tests. Third, tests which purportedly measure skills other than reading may actually in part measure a student's vocabulary, English language skills, reading speed, or reading comprehension.

Because of the problems with these tests, the National Education Association has called for the "elimination of group standardized intelligence, aptitude, and achievement tests to assess student potential or achievement," pending a review by a specially appointed task force.[118/]

116/ Edward A. De Avila, "Some Critical Notes on Using IQ Tests for Minority Children " (unpublished paper prepared for the First International Conference on Bilingual Education, San Diego, April 1973), pp. 1-2. For a more detailed discussion of IQ tests, see section on EMRs, pp. 80-87 of this report.

117/ Interviews with Jane R. Mercer, March 1973; Uvaldo H. Palomares, July 1973; and Edward A. De Avila, August 1973. Dr. Mercer is associate professor of sociology, University of California, Riverside, and research specialist, Department of Mental Hygiene, State of California. Dr. Palomares is president of the Institute for Personal Effectiveness in Children, San Diego, Calif. Dr. De Avila is director of research, Bilingual Children's Television, Oakland, Calif.

118/ Resolution 72-44, National Education Association, "Resolutions and Other Actions" (Atlantic City: NEA Publications, July 1972), pp. 36, 42.

Assignment to ability groups on the basis of recommendations of teachers and counselors has the effect of channeling Chicano children into low ability groups. Most teachers and counselors are Anglo and have little familiarity with the Chicano culture and language. One expert on Mexican American education explained to Commission staff the perception of many teachers and counselors regarding the Chicano student:

> They see the child in terms of the stereotype. Often, the teachers neither speak the language nor understand the culture that the students bring to school. They judge Chicanos to be intellectually inferior, regardless of their actual abilities. 119/

Their recommendations, based substantially on subjective judgment, often result in the arbitrary assignment of many Chicano children to low ability group classes.

Advantages and Disadvantages of Ability Grouping

In view of the disproportionate number of Mexican American children assigned to low ability group classes, what is the justification for this practice? What benefits do students receive from being grouped according to perceived ability?

119/ Ernest Garcia, Conference on Teacher Education, U.S. Commission on Civil Rights, Feb. 15-16, 1973. (Hereafter cited as Teacher Education Conference.) Dr. Garcia is professor of education, California State College, San Bernardino.

The major argument for the use of ability grouping is that it is in the best interests of the student, both academically and psychologically.[120] Proponents of grouping argue that it facilitates attention to individual student needs; that it allows for more equitable competition, thus assuring the students some degree of success; and that it permits students to progress at their own learning rate. For these reasons, ability grouping is said to increase a student's chance for academic success.[121]

However, research on the actual effects of ability grouping does not support the assertion that it has positive academic effects. The most recent major study in this area (done for the U.S. Office of Education) was an extensive review of the research on ability grouping. The study concluded:

> Ability grouping, as practiced, produces conflicting evidence of usefulness in promoting improved scholastic achievement in superior groups, and almost uniformly unfavorable evidence for promoting scholastic achievement in average or low-achieving groups.[122]

It is in these latter groups that Mexican American students are overrepresented.

120/ It is also argued by many educators that ability grouping is more administratively efficient in terms of class assignments, lesson planning, and the use of curriculum materials. However, this argument ignores the needs of the students, upon which the use of materials, class assignments, and lesson planning should be based. Convenience for the school should obviously be a secondary consideration.

121/ These were listed as advantages of homogeneous grouping by districts which generally employ grouping, in response to a questionnaire sent by the Center for Educational Improvement. For a discussion of the questionnaire, see Findley and Bryan, Ability Grouping, pp. 6-19.

122/ Findley and Bryan, p. 3. Individual studies done since that time have generally supported this conclusion.

One possible reason for the lower achievement of students placed in average or low ability groups is the lack of intellectual stimulation from higher-achieving classmates. A second reason is lower teacher expectations. A teacher of a low ability class communicates this low expectation in various ways, both directly through interaction with the students and indirectly through the modification of teaching methods. This modification tends to insure lower achievement for these students. Thus one Anglo teacher, teaching in a school with a sizable proportion of Chicano students, told Commission staff about her "developmental" class (low ability group):

> There would be no use teaching them note-taking and textbook reading because many can't read and they wouldn't do it. I'm going to teach them to read the newspapers and write letters of application and fill out job applications.123/

This amounts to a self-fulfilling prophecy. That is, the teacher has low expectations regarding the performance of students assigned to low ability group classes, lowers the level of the instructional program accordingly, and finds that the expectations are fully realized. These students achieve less well than those in high ability group classes where high teacher expectations result in an accelerated instructional program.

123/ Interview with teacher in a New Mexico school, October 1970.

A third explanation for lower achievement among students placed in low ability group classes is that teachers, not having received adequate training, frequently assume that all students assigned to this ability group have the same abilities and needs. As a result, they make little effort to provide them with individualized instruction that could assist them in achieving at a higher level. The students have been classified, usually on the basis of IQ or standardized tests, and tend to be treated as a mass, without regard to individual distinctions. 124/ As one educator has pointed out, however:

> IQ and standardized test scores do not provide a valid qualitative index of individual differences in instructional needs, abilities, motivational levels, or learning styles of pupils.
>
> Even though these students have identical standardized test scores, their specific instructional needs are really quite different. 125/

Once students are placed in a low ability group, they tend to remain there. Teachers of low ability groups typically cover too little material for the student to do well on standardized

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124/ José Pepe Barron, Curriculum Conference. Mr. Barron is director of Spanish Speaking Fomento, American Association of Junior Colleges, Washington, D.C. He was formerly a high school counselor in Arizona.

125/ Jim Olsen, "Should We Group by Ability?" Change and Innovation in Elementary and Secondary Organization, 2d. ed.; ed. Maurie Hilson and Donald T. Hyman (New York: Holt, 1971), p. 181.

achievement tests.[126] Instead of progressing, students often fall farther behind. This is especially true for Chicanos, who are expected to learn subject matter in a language with which they frequently are not familiar. As a result of the slow progress made by students in low ability groups, teachers often recommend similar placement for these students the following year. Thus, while in theory students may move from one ability group to another from year to year, in reality little mobility occurs once the student is initially placed.[127]

By the time a student enters secondary school, his or her educational future has been largely predetermined. Students who have been in high ability groups in lower grades enter the college preparatory curriculum at the secondary level. Students from low ability groups generally enter noncollege preparatory or vocational education classes.[128] The effects of placement in noncollege preparatory or vocational tracks in high school will be felt throughout the student's lifetime. Students in general or vocational curricula will be severely limited in their postgraduation opportunities because they will lack the necessary qualifications for entering colleges or universities.

126/ Richard Lopez, "Review and Synthesis of Six Letters of Non-Compliance Sent to Elementary and Secondary School Districts " unpublished paper, Notre Dame, 1972. Dr. Lopez is assistant professor of psychology, California Polytechnic State University, San Luis Obispo.

127/ For research evidence on the consistency of track placement from year to year, see Bernard Mackler, "Grouping in the Ghetto," Education and Urban Society, Vol. 2, No. 1 (Nov. 1969), pp. 80-95. See also Hobson v. Hansen, 269 F. Supp. 401 at 440 (1967).

128/ Interview with Roberto Guerra, April 16, 1973. Dr. Guerra is co-director, Vocational Education Project, University of Houston Center for Human Resources.

Thus, students who begin their school careers in low ability groups tend to remain there year after year. After high school they have little opportunity to pursue higher education because they lack the requisite course work and skills.

Proponents of ability grouping also claim that grouping is psychologically beneficial to students.[129] According to this argument, slower students will not only improve academically in classes made up of their intellectual peers, but they will gain in self-respect and self-confidence because of more realistic competition. They will not be made to feel inferior by the academically superior students, with whom they would not be able to compete. By the same token, it is claimed that their self-concept would suffer if they were left in heterogeneous classroom settings.

Although the research findings on this point are not conclusive, the majority of the studies, especially the more recent ones, indicate that self-esteem does not improve for slower students who are grouped by ability. While grouping inflates the egos of students in higher groups, creating a "halo" or "snob" effect, it deflates the self-concept of students placed in lower groups.[130] This is largely a result of the stigmatizing effect on students who are placed in these classes. One study found that fifth

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129/ Findley and Bryan, Ability Grouping, pp. 15-17.

130/ Leon J. Lefkowitz, "Ability Grouping: De Facto Segregation," The Clearing House, Vol. 46, No. 5 (Jan. 1972), pp. 293-7. For a review of other research on the effects of ability grouping on the self-concept of students, see Findley and Bryan, pp. 31-38.

and sixth graders in a minority school used labels based on group placement to describe themselves, even though the groups were given alphabetical designations which gave no indication of ability group level. Those students in group A, when asked why they were in that group, gave such answers as "I'm smart," "I'm not dumb." Those students in group C, on the other hand, answered, "I'm dumb."[131/]

The negative psychological effects of placement in low groups are further magnified by the attitudes of many teachers who teach low ability group classes. Most teachers would rather teach high or middle ability groups, but few desire low ability class assignments. Only four percent of the elementary teachers and two percent of the secondary teachers prefer teaching low ability group students, according to a 1968 study conducted by the National Education Association. On the other hand, 63 percent of the elementary teachers and 74 percent of the secondary teachers would rather teach high or middle ability group classes, if given a choice; the remainder would choose heterogeneous classes or have no preference (see Table 9).[132/]

131/ Earl Ogletree and V. E. Ujlaki, "The Effects of Ability Grouping on Inner-City Children," Illinois Schools Journal, Vol. 50, No. 1 (Spring 1970), pp. 63-70.

132/ National Education Association, "Ability Grouping: Teacher Opinion Poll," NEA Journal, Vol. 57 (Feb. 1968), p. 53.

TABLE 9. ABILITY GROUP PREFERENCES OF TEACHERS IN SELECTED SCHOOLS IN THE UNITED STATES

	Elementary	Secondary	Total
High	18.4%	34.6%	26.0%
Average	44.7	38.9	42.1
Low	4.3	1.9	3.1
Mixed	21.3	15.2	18.4
No Preference	11.3	9.4	10.4

Source: National Education Association, "Ability Grouping: Teacher Opinion Poll," NEA Journal, Vol. 57 (Feb. 1968), p. 53. Teachers were asked the following question: "What type of pupils would you prefer to teach, so far as ability is concerned?"

This suggests that children in low ability group classes are likely to be taught by teachers who are unenthusiastic, dissatisfied with their teaching assignment, and who hold a low opinion of the children's abilities. Indeed, this was borne out through Commission staff observation of the attitudes of teachers in low ability group classes. For example, the following incident occurred in one observed classroom:

> After introducing herself, Ms. C. immediately apologized for her "slow" class, although it hadn't even begun. She explained it was hopeless to expect a great deal from them because they are so far behind and thoroughly indifferent to school. 133/

The usual justification for ability grouping is that through this practice students can be prepared to participate and compete with all students. Measured by this standard, ability grouping has failed for Chicano students. As practiced in the schools of the Southwest, it results in their isolation in low ability classes, where they remain.

The Commission believes that greater academic progress can be stimulated by utilizing small groups for children with special needs, for limited periods of time. In this setting, the teacher would be able to devote more attention to the needs of individual students than in a regular classroom. However, any form of grouping must be accompanied by thorough and regular diagnosis of each student's progress.

133/ Staff observation, Albuquerque, N.M., Oct. 30, 1971.

In relation to the use of small temporary groups, one professional educator has emphasized: "There must be sound diagnostic measures to determine where the child is in the development of specific skills, and based on this, a prescription for an appropriate instructional program should result." 134/

He concludes:

> At best, determination of ability or potential of students is guesswork. The sorting and pigeonholing that results is the process that has damaged children for decades. If grouping is to have any chance for success, it must begin with the understanding that it is temporary, for a particular purpose, and related to the rate of growth of the student rather than to inherent ability or potential. 135/

134/ Ernest Garcia, Teacher Education Conference.

135/ Ernest Garcia, Teacher Education Conference.

C. Classes for the Educable Mentally Retarded

When a school determines that a child is too academically slow to benefit from the regular school curriculum it may place that child in a class for the Educable Mentally Retarded (EMR).[136/] Unlike ability grouping and grade retention, which, at least theoretically, hold out the hope that the students will "catch up" with their peers, students in an EMR class are told, in effect, that they cannot compete in a regular classroom environment and must remain in special classes.

Mexican Americans are overrepresented in these classes. Texas and California, which enroll more than 80 percent of the total number of Mexican American students in the Southwest,[137/] are the only two of the five Southwestern States which collect information by ethnicity on the number of students in EMR classes.[138/]

Although only a small proportion of all students are in EMR classes, Chicanos are much more likely than Anglos to be placed in them. In Texas Chicanos are two times as likely to be placed in EMR classes as are Anglo pupils; in California Chicanos are almost two-and-one-half times as likely

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136/ "Educable Mentally Retarded" usually means mildly retarded, where a student is between two and three standard deviations below the norm, that is, having an IQ score between 50 and 70.

137/ Calculated from "Universe Projections" data, Directory, 1972.

138/ Information supplied by officials in the special education divisions of the departments of education, in each of the five Southwestern States for the 1972-73 school year.

as Anglos to be placed in such classes.[139]

What is it about the evaluation and placement procedures that produces these results? Although the words "mental retardation" sound as if they refer only to impairments in intellectual functioning, most authorities agree that true mental retardation is manifested by impairments in both intellectual functioning and adaptive behavior.[140] Adaptive behavior is the ability to perform day to day functions appropriate to one's age group. For school age children these functions include washing, dressing, feeding oneself, answering and using the telephone, finding one's way to and from school and nearby friends' homes, participating in peer group games, handling money for small purchases, and helping with family chores.

The President's Committee on Mental Retardation has pointed out that many children from minority backgrounds and low economic groups are labeled and treated by the schools as mentally retarded despite the fact that they function very well in day to day non-academic activities. This led the Committee to refer to the "Six-Hour Retarded Child":

139/ In Texas, 1.0 percent of Anglo pupils, 2.1 percent of Mexican American students and 3.4 percent of black pupils are in EMR classes (J. W. Vlasak, director, Division of Special Education Evaluation, Texas Education Agency). The corresponding figures for California are 0.5 percent, 1.2 percent, and 2.3 percent (David Dietrich, Division of Special Education, California State Department of Education). Although the Commission did not study the reasons for this overrepresentation of blacks, factors such as differences in dialect, culture, and socioeconomic status are thought to be important contributing factors.

140/ Definition provided by the American Association of Mental Deficiency, Washington, D.C.

> We now have what may be called a 6-hour retarded child -- retarded from 9-3, five days a week, solely on the basis of an IQ score, without regard to his adaptive behavior, which may be exceptionally adaptive to the situation and community in which he lives. 141/

That this is true for Mexican American pupils is well illustrated by a recent study which found that only 40 percent of Chicano pupils in the Riverside, California, area who were labeled as mentally retarded showed abnormal adaptive behavior, whereas 100 percent of the Anglos who were similarly labeled, showed marked deficiencies in adaptive behavior 142/

The two criteria most commonly used in the Southwest for the assignment of students to EMR classes are teachers' recommendations and intelligence (IQ) tests. 143/ Teachers are seldom trained to diagnose mental retardation and, as discussed previously, teachers may be biased judges of Chicanos' ability because of their unfamiliarity with the Chicanos' language and culture. Thus, teachers may interpret poor academic performance as reflecting a lack of intelligence when it may instead be due to the school's failure to provide Chicanos with the necessary skills for academic success.

141/ "The Six-Hour Retarded Child," A Report on a Conference on Problems of Education of Children in the Inner City, Aug. 10-12, 1969, Warrentown, Va. Sponsored by the President's Committee on Mental Retardation and the Bureau of Education for the Handicapped, Office of Education, HEW (Washington, D.C.: GPO, 1970).

142/ Jane Mercer, Labelling the Mentally Retarded (Berkeley: Univ. of California Press, 1973), p. 189. In the same study it was shown that nine percent of the blacks labelled mentally retarded were also retarded in adaptive behavior.

143/ Data obtained during Commission field study, Oct. 1970 - Feb. 1971. See also Mercer, Labelling, pp. 96-123.

Testing of mental abilities is usually limited to intelligence (IQ) tests [144] despite the agreement among experts that mental retardation should be diagnosed by the evaluation of both intellectual functioning and adaptive behavior. California recently passed legislation calling for the use of adaptive behavior tests in addition to intelligence tests. Parental approval must be secured prior to placement in EMR classes in both Arizona and California.[145] The IQ score, however, at least in California, remains the chief determinant in placement of a child into an EMR class. [146]

IQ tests often underestimate the intellectual abilities of Chicano youth. There are two basic reasons for this. First, the tests measure many things which have nothing to do with intelligence but rather with linguistic skills. A test given in English to non-English speaking children can hardly be a fair test of their intelligence. Yet many schools still place students in EMR classes on the basis of these tests,[147] even though this placement is

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144/ Interview with an official in the Division of Special Education, California Department of Education, June 11, 1973.

145/ Three law suits led to the passage of this legislation in California: Arreola v. Board of Education, Sup. Ct., State of Calif., County of Orange, 160577 (1969), Diana v. State Board of Education (Soledad, still in court), No. C-70 37 RFT, Dist. Ct. of No. Dist. of Calif. (Feb. 1970), Covarrubias v. San Diego Unified School District, U.S. Dist. Ct. So. Dist., 7394T (1970). For a comprehensive discussion of these cases and legislation, see Henry J. Casso, "A Descriptive Study of Three Legal Challenges for Placing Mexican American and other Linguistically and Culturally Different Children into Educably Mentally Retarded Classes," Diss., Univ. of Massachusetts, 1973. Information concerning the laws was obtained from officials in the State departments of education in Arizona and California.

146/ Interview with an official in the Division of Special Education, California Department of Education, June 11, 1973.

147/ Compliance reviews obtained by Commission from the Office for Civil Rights, HEW, Region VI, Dallas, Tex. (OCR/Dallas).

prohibited by Federal regulation. [148] In most instances this placement takes place somewhere between the second and fifth grades. [149] If the school has failed to teach English language skills to Chicano pupils, it is very likely that many Chicanos will not have acquired these skills.

Intelligence tests translated into Spanish often provide an inaccurate measure of the intelligence of Chicano youths because many speak a local dialect rather than the standard dialect of Spanish. [150] If tests are administered primarily through written instructions, there is an additional problem because many Chicanos have not had the opportunity to learn to read and write in either standard Spanish or their local dialect. [151]

Second, even if all the linguistic drawbacks were removed, there would still be certain problems with the use of these tests for culturally different children. IQ tests commonly used today have been validated with primarily Anglo groups of students. [152] The tests assume that all students have been exposed to similar experiences and objects, but this is not the case for students from different cultural or economic groups.

148/ HEW memorandum of May 25, 1970; 35 red. Reg. 11595 (1970).

149/ Mercer, Labelling, p. 105; interview with official in Division of Special Education, California Department of Education, June 11, 1973.

150/ De Avila, "Some Critical Notes," p. 1.

151/ De Avila, p. 2.

152/ De Avila, pp. 4-5.

For example, the word "nitroglycerin," which appears on the Wechsler Intelligence Scale for children, may be familiar to some children but not to many minority children, who have had different experiences. If a child who has not heard the word answers incorrectly a problem in which the word appears, it would be unfair to draw an inference concerning the child's mental abilities on the basis of this incorrect answer.

The tests also measure the child's familiarity with the customs of middle class Anglo society. There are a variety of answers to such questions in the Wechsler as, "What is the thing to do if you lose one of your friend's toys?" and "What is the thing to do if a fellow much smaller than yourself starts a fight?" Whether a student's answers are among the "correct" ones, as one authority has pointed out, "depend/s7 almost exclusively on whether a child has been socialized under the particular ethnical system implied by the question." 153/

Because Chicanos generally have a cultural and economic background different from that of most Anglos, they usually have not been exposed to the experiences or the value system necessary for scoring well on these tests. One authority, after conducting extensive research, concluded "intelligence or ability tests, even when translated and culturally weighted for Chicanos, are counterproductive and should not be used." 154/

153/ De Avila, p. 4.

154/ Interview with Uvaldo Palomares, June 15, 1973.

An official government document has stated: "Probably no 'culturally free' or 'culturally fair' test is wholly possible." 155/ Thus, though these tests may give fairly accurate results for Anglo students, they are very unreliable for indicating the intelligence of Chicanos.

It is likely that the overrepresentation of Chicano students in EMR classes is a result of the inaccurate and unfair criteria which govern the assignment of pupils to these classes. Although authorities agree that mental retardation refers not only to inadequate intellectual functioning but impaired adaptive behavior as well, the schools usually classify students as mentally retarded on the basis of intellectual functioning alone. Further, the tests commonly used to determine levels of intellectual functioning are poor measures of the true intelligence of persons who differ in language or culture from middle class Anglos. On the basis of such standards, Mexican Americans are classified disproportionately as mentally retarded and placed in classes for such children.

Once they are placed in an EMR class students are likely to remain in this class for years and are seldom reevaluated. Even if they have the good fortune to be transferred to a regular class in a year or two, it is unlikely that they will have been taught the skills necessary to compete in a regular classroom. The following is part of a

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155/ U.S. Department of HEW, "Intellectual Maturity of Children: Demographic and Socioeconomic Factors " (Washington, D.C.: Public Health Service, 1972), p. 20.

report on a school district reviewed by the Department of Health, Education, and Welfare Office for Civil Rights:

> Information copied from the folders of these 58 students /95 to 100 percent of whom were Mexican American/ indicates very strongly that many of them were not mentally retarded. School officials even admitted this in some instances. Yet, these students have been assigned to self-contained EMR classes, many of them for several years, with little hope of ever catching up with the basic skills needed to succeed in the regular classroom. 156/

There may be good reasons to maintain special classes for the mentally retarded, but only for those students whose adaptive and intellectual abilities are so deficient as to render them incapable of functioning in a regular classroom. For those who are merely academically behind their age-grade peers, the schools are responsible for providing special help as suggested at the end of the two previous sections.

156/ In-house report supplied to U.S. Commission on Civil Rights by John A. Bell, chief, education branch, OCR/Dallas.

CHAPTER IV

TEACHER EDUCATION

In its March 1973 report, Teachers and Students: Differences in Teacher Interaction with Mexican American and Anglo Students, the Commission observed:

> The heart of the educational process is in the interaction between teacher and student. It is through this interaction that the school system makes its major impact upon the child. The way the teacher interacts with the student is a major determinant of the quality of education the child receives. 157/

The role of the teacher in providing equal educational opportunity is of paramount importance. It is the teacher who directs the classroom activities in which students engage for five to six hours a day. It is the teacher who presents the curriculum. And it is the teacher who bears major responsibility for motivating, helping, and evaluating the students. Without effective teachers, the finest facilities, programs, and materials cannot provide high quality education.

Nearly 350,000 persons are employed as full time teachers in the Southwest.[158/] The extent to which teacher preparation programs have trained these teachers to be effective with students of varying backgrounds goes far in determining the quality of education afforded to Chicano students.

157/ U.S. Commission on Civil Rights, Teachers and Students, Report V, Mexican American Education Study (Washington, D.C.: GPO, 1973), p. 7. (Hereafter cited as Teachers and Students.)

158/ In the fall of 1972 there were estimated to be 348,925 teachers in the public schools of the Southwest. This figure was calculated from "Universe Projections" data, Directory, 1972.

The purpose of teacher education is to develop teachers who can effectively aid the learning of students. Teacher education is designed to develop certain knowledge, attitudes, and skills in prospective teachers.[159] The knowledge and attitudes of teachers are important because they provide a basis for instructional skills, and these skills determine the teachers' impact on students. Effective teachers must be able to select topics, readings, and activities which meet the abilities, interests, and needs of the pupils. They must be able to interpret accurately students' responses to given learning activities and be able to help students when they are having learning difficulties. Effective teachers must be able to stimulate students to pursue learning experiences on their own initiative. Of equal importance, they must treat students as individuals and encourage them to realize their full potential.

In its report Teachers and Students, the Commission documented that many teachers in the Southwest display poorer teaching behavior toward Chicano students than they do toward Anglo students.[160] The average teacher, according to the report, 'praises and encourages Anglo pupils 35 percent more often than Chicano pupils, accepts or uses Anglo students' ideas 40

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159 / B. Othanel Smith, ed., Research in Teacher Education (Englewood Cliffs, N.J.: Prentice Hall, 1971), p. 3.

160 / Teachers and Students, p. 17.

percent more often, and questions Anglos 20 percent more often than Chicanos. Of all the teaching behaviors which have so far been examined by educational researchers, the above three have shown the strongest and most consistent relationship to student gains in achievement.[161/] The fact that there is a consistent disparity in favor of Anglo over Chicano children suggests that teacher education in the Southwest is failing to prepare teachers to provide equal educational opportunity to Chicano pupils.

The Commission has examined three aspects of teacher education that have an important bearing on the ability of teacher education institutions to prepare prospective teachers to teach Chicano students effectively. First, the Commission has investigated Mexican American representation on the staffs of various agencies and institutions which control or influence teacher preparation programs. Second, the Commission has studied the extent to which Chicanos have been enrolled as trainees at these institutions. If Chicanos are to be more adequately represented in the future as teachers in the schools of the Southwest, it largely will be due to their increased representation as teacher trainees today. Third, the Commission has examined the content of the courses and supervised experiences afforded to teacher trainees at these institutions.

161/ Teachers and Students, p. 9.

Control Over Teacher Preparation Programs

In determining the extent of Mexican American representation on the staffs of institutions which control or influence teacher preparation programs, the Commission has examined three levels of control--the State, the Federal Government, and the teacher training institution.

The State influence generally is brought to bear through the State board of education. This agency exerts a degree of control over teacher training programs by establishing minimum State standards of preparation for the granting of teaching credentials.[162/] Most teacher education institutions, of necessity, conform to these standards to assure that their graduates will be eligible for permanent teaching positions in public elementary and secondary schools in the State.

The Federal Government is represented by the U.S. Office of Education (OE). Although OE has no mandatory authority over teacher preparation programs, it nonetheless influences them through the substantial sums of money it offers for experimentation and development

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162/ California and Colorado are exceptions. In California the Committee for Teacher Preparation and Licensing and the State Department of Education share this responsibility. In Colorado there is a State Board of Teacher Certification consisting of the commissioner of education serving as chairman and 10 members appointed by State Board of Education.

Ariz. Rev. Stat. § 15-102 (1960) (Amended 1970)
Cal. Educ. Code §§ 13104, 13113, 13114 (1970)
Colo. Rev. Stat. §§ 123-17-19, 123-17-20 (1963)
N.M. Stat. Ann. § 77-2-2 (1967)
Tex. Code Ann § 13.032 (1955) with advice and assistance of the State commissioner of education

of teacher preparation programs.[163] Teacher education institutions that wish to participate in these programs must be willing to institute the type of training programs which OE is willing to fund.

Teacher education institutions themselves exert the greatest influence over the substance of teacher preparation programs. The staffs of these institutions design both the courses and the sequence of courses which are to be taken by teacher trainees. Although their authority is, in fact, somewhat circumscribed by the necessity to conform to minimum State standards on curriculum and training, and by their desire to participate in federally-funded programs, they still retain wide discretion in determining the courses to be taken, the content of the courses, and the way they will be taught.

At all three levels of influence or control over teacher education, Mexican Americans are significantly underrepresented as staff members. Thus, Spanish surnamed persons are substantially underrepresented on the State boards of education in the Southwest. They represent 10.3 percent of the State board of education members and 19.2 percent of the total school enrollment in the Southwest.[164] (For corresponding figures for each State, see

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163/ Among the major programs OE administers are the Education Professions Development Act, Education of the Handicapped Act, and the Adult Education Act.

164/ Most social statistics do not give data specifically for Mexican Americans, but rather for Spanish surnamed persons. In 1972 about 84 percent of Spanish surnamed persons in the Southwest were Mexican American, according to calculations made from estimates in the Census Bureau's "Population Characteristics," Current Population Reports, Series P-20, No. 238 (Washington, D.C.: GPO. July 1972), p. 3.

Table 3, p. 38.)

The U.S. Office of Education also has disproportionately low Spanish surnamed representation on its professional staff. As of May 1972, only 2.6 percent of the 2,074 total professional staff members of OE were Spanish surnamed, and, as to be expected, not all of these were Mexican Americans. 165/

A review of recent college catalogues from a random sample of 25 teacher education institutions in the Southwest reveals that Chicanos are grossly underrepresented on the staffs of these institutions as well. 166/ Data in Table 10 indicate that of the 931 listed staff members in schools or departments of education, only 33--3.5 percent--were Spanish surnamed. This contrasts sharply with the percentage of the elementary and secondary school enrollment in the Southwest which is Spanish surnamed--18 percent. 167/

165/ Data on Spanish surnamed persons in OE is from "Spanish Speaking Employees," Office for Spanish Speaking-American Affairs, U.S. Office of Education, May 1972. Figures for total professional employees in OE at that time were received in a telephone conversation with a staff member of the Office for Spanish Speaking-American Affairs, May 1972.

166/ College Catalogue Review, U.S. Commission on Civil Rights, February 1973. (Hereafter cited as College Catalogue Review.) There are 143 colleges or universities in the Southwest which have schools of education. A sample of those schools was taken because of the substantial time required to review each catalogue carefully. See Appendix E for this methodology.

167/ Calculated from "Universe Projections" data, Directory, 1972.

Further, of the 25 institutions surveyed, five accounted for two-thirds of the staff members who were Spanish surnamed. Fourteen of the 25 institutions, representing 32 percent of the total number of staff members in the survey, employed no Spanish surnamed persons on their staffs.

The disproportionately low representation of Mexican Americans on the staffs of teacher education institutions and other agencies that control or influence teacher education has several negative effects. It limits the opportunity for a Chicano perspective to be forcefully presented in development of programs and policies of the teacher education institutions. It tends to lower the priority given to the educational problems encountered by Chicanos. Finally, it makes it difficult for teacher education institutions to relate to the Chicano community and respond to its needs.

Teacher Trainee Enrollment

No reliable data have been collected on the number of Chicanos attending teacher training institutions. 168/ Commission staff contacted a number of teacher education institutions, but most reported that they

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168/ The Bureau of Labor Statistics and the Cabinet Committee on Opportunities for the Spanish Speaking have both attempted recently to produce counts of the number of persons of various ethnic or racial groups who are in various programs in colleges and universities. For a number of reasons their data is unreliable. See Appendix D for a short discussion of the data and their weaknesses.

TABLE 10

RANDOM SAMPLE OF 25 TEACHER EDUCATION INSTITUTIONS IN FIVE SOUTHWESTERN STATES

Institution	Total Professional Staff of Schools of Education	Spanish Surnamed Professional Staff Members of Schools of Education
CALIFORNIA		
California College of Arts and Crafts	11	1
California Polytechnic State University, San Luis Obispo	19	0
California State College, San Bernardino	13	2
California State University, Fullerton	83	0
California State University, Hayward	94	3
California State University, Los Angeles	145	8
Dominican College	5	0
Monterey Institute of Foreign Studies	14	0
San Diego State University	144	3
San Jose State University	95	2
Stanford University	78	3
University of California, Riverside	23	1
Westmont College	7	0
COLORADO		
Colorado College	28	0
Metropolitan State College	16	1
Southern Colorado State College	17	4

TABLE 10 (continued)

Institution	Total Professional Staff of Schools of Education	Spanish Surnamed Professional Staff Members of Schools of Education
NEW MEXICO		
Eastern New Mexico University	27	0
New Mexico Highlands University	16	4
TEXAS		
Abilene Christian College	16	0
Angelo State University	11	0
Dallas Baptist College	6	0
Lubbock Christian College	6	0
McMurry College	6	1
Stephen F. Austin University	40	0
Tarleton State College	12	0
West Texas State University	27	0
Total	931	33

Source: U.S. Commission on Civil Rights, College Catalogue Review, February 1973.

did not maintain these data. Other information, however, strongly suggests that Chicanos are substantially underrepresented as teacher trainees. Enrollment data for four-year colleges and universities of the Southwest demonstrate this point: Mexican Americans comprise some 13 percent of the persons of college age (18-24) in the Southwest, but they are less than six percent of the undergraduate enrollment in colleges and universities. 169/

169/ The percentage of college age persons (18-24 years old) in the Southwest who are Chicano was estimated from data in "Population Characteristics," No. 238, p. 5. The age distributions reported for Mexican Americans and all persons in the United States were assumed to reflect the age distributions in the Southwest. The percentage of Mexican American undergraduates in four-year colleges and universities of the Southwest was calculated from data in U.S. Department of HEW, Racial and Ethnic Enrollment Data from Institutions of Higher Education--Fall 1970 (Washington, D.C.: GPO, 1972). The summary statistics on pp. 116 and 120 of this source are for all institutions of higher learning, four-year as well as two-year colleges. Since two-year colleges do not have teacher training programs, data were tabulated for just the four-year colleges and universities. U.S. Department of HEW, The Higher Education Directory - 1971-72 (Washington, D.C.: GPO, 1972) was used to determine whether each college was a two-year or four-year institution. In the few cases where an institution was listed in the first source, but not in the second one, it was presumed to be a four-year college.

In addition, comparative statistics on the number of Chicano teachers in the Southwest suggest even more strongly that their representation as students in teacher education institutions is disproportionately low. In the fall of 1968, only 3.6 percent of the approximately 325,000 teachers in the Southwest were Spanish surnamed. By the fall of 1972, this percentage had increased, but only to 4.8 percent of approximately 350,000 teachers. 170/ The corresponding 1968 and 1972 percentages for each of the states were: 3.5 and 4.9 percent for Arizona; 2.2 and 2.9 percent for California; 2.3 and 2.9 percent for Colorado; 16.2 and 18.0 percent for New Mexico; and 4.9 and 6.5 percent for Texas.

The failure of teacher education institutions in the Southwest to enroll and graduate more Chicano teachers has an important bearing on the overall failure of the schools to provide equal educational opportunity to

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170/ The 1968 percentage of teachers in the Southwest who were Mexican American was calculated from "Universe Projections" data in U.S. Department of HEW, Directory of Public Elementary and Secondary Schools in Selected Districts - Enrollment and Staff by Racial/Ethnic Groups - Fall 1968 (Washington, D.C.: GPO, 1970), p. xiii. The 1972 percentage was calculated from "Universe Projections" data, Directory, 1972.

Chicano children. It has the effect of denying to Mexican American students an important educational resource--teachers who can relate to them effectively. There are a number of reasons why more Chicano teachers are needed.

First, Chicano teachers have a better understanding of the Chicano culture and life experience than most Anglo teachers--even those few Anglos who are exposed to an intensive training program. Second, more Chicanos than Anglos are bilingual and thus better equipped to deal with the English language difficulties of Mexican American students. Third, Chicano teachers can provide more effective role models for Chicano youth than persons of other ethnic groups.

Nonetheless, the percentage of Mexican American teachers in the Southwest remains small. Moreover, the prospects for substantial and rapid increase are not bright. At the current rate of increase, 1.2 percent in four years, it will not be until the year 2005 that the percentage of Spanish surnamed teachers equals the current percentage of Spanish surnamed in the population of the Southwest. 171/

171/ It is estimated that 14.7 percent of the Southwest's population is Spanish origin ("Population Characteristics," No. 238). As previously indicated, 4.8 percent of the teachers in the Southwest are Spanish surnamed--an increase of 1.2 percent since 1968. Consequently, if the average rate of increase remains constant, it will take 33 years for the Spanish surnamed percentage of teachers to equal 14.7 percent (14.7 - 4.8)/(1.2/4).

Content of Teacher Education Courses and Supervised Experiences

Teacher education programs generally have four components: (1) three or four years of college level liberal arts courses in such subjects as history, literature, science, math, and art; (2) "foundation courses," which deal with underlying educational principles, such as those about human development, learning theory, and the history, philosophy, and sociology of education; (3) "methods courses," which deal with techniques for instructing students such as the development of mathematics curriculum, approaches to teaching science in the elementary grades, and the use of audio-visual equipment; (4) a period of practice teaching done under the supervision of an experienced classroom teacher and a professor from the teacher education institution. 172/

The programs of teacher education institutions in the Southwest offer little material which is specifically appropriate for preparing teachers to work effectively with Chicano students.

Few, if any, teacher preparation programs have stated requirements that teacher trainees take such courses as Spanish, anthropology, sociology, the history of Mexican Americans, and other ethnic studies

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172/ Teacher Education Conference.

courses which might provide a particularly appropriate background for persons who will be teaching Chicano pupils. The Commission's review of college catalogues from 25 randomly selected Southwestern institutions found no school of education which has a stated policy requiring teacher trainees to take Spanish as part of their liberal arts course work or to be conversant with the language. None of the schools of education requires trainees to take even one course in anthropology or sociology. Nor are the trainees required to take any course in Mexican American history or culture.[173/]

The foundations and methods courses offered by teacher education institutions put little, if any, emphasis on specific information about the background and learning needs of Chicano pupils. For the 25 institutions whose catalogues were reviewed, fewer than one percent of the listed foundations and methods courses even mentioned the terms "Chicano," "Mexican American," "Spanish Speaking," or "bilingual" in the title. Only slightly more--1.1 percent--of the courses mentioned any of these terms in the printed description given in the catalogues.[174/] None of the courses

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173/ College Catalogue Review.

174/ College Catalogue Review.

carrying these terms in the title or description was required. Consequently, as one experienced educator pointed out to Commission staff, "the trainees who take these courses are often the ones who least need them." 175/

Further, the small amount of material offered about Chicanos in education texts and courses is, in the view of some experts, usually inaccurate and paternalistic, if not derogatory. They point out that the persons who write the texts and teach most of the education courses seldom have close contact with the Chicano culture and often react to it in an ethnocentric manner. 176/ One college professor told Commission staff:

> I recently inherited a course called "The Chicano in Education." I looked over the materials used by the guy who taught the course before me. He was still talking about the culture of poverty; he was still talking about the Chicano children as being deficient. He was saying that the problem essentially lay with the child rather than with society. 177/

175/ Tomás Arciniega, Teacher Education Conference.

176/ Curriculum Conference.

177/ Cecilia C. R. Suarez, Curriculum Conference.

There are a number of activities which teacher education institutions can undertake to sensitize non-Chicanos to the background and learning needs of Mexican American students. Non-Chicano teacher trainees can be given in-depth instruction focusing on the values, attitudes, expectations, and common life experiences of Chicanos. They can be helped to examine how their own values, attitudes, and expectations may influence their behavior toward Chicanos. They can meet with groups of Chicano students to discuss the students' ideas and feelings about their educational experiences. The trainees also can be encouraged to participate in various activities of Chicano communities.

Understanding provides a basis for acceptance and respect. Habits or customs which appear strange or inappropriate to someone who does not understand a given culture are usually perceived differently when viewed in the context of the entire culture.

Experts generally agree, however, that teachers' understanding of Chicanos' background and learning needs is not sufficient for effective teaching. Teachers need to manifest that understanding through their verbal and nonverbal behavior when interacting with Chicano students and parents. 178/

178/ Teacher Education Conference.

Often trainees need specific help in learning to do this.[179] One way of giving such help is by having the teacher trainees interact with Chicano adults and pupils in various settings and provide the trainees with feedback about their actual behavior and the Chicanos' perception of it. Such feedback can be obtained with audio or video tape recordings, still or movie photography, and reports or coded data from observers.

In practice teaching trainees seldom have the opportunity to gain experience teaching Chicano students. Several factors are considered in assigning trainees to schools for their practice teaching: the willingness of school administrators to cooperate with such training, the availability of suitable master teachers, and the wishes of the supervising professors. Another important factor is the convenience of the trainees--which usually depends largely on the proximity of the assignments to the teacher education institution or the trainees' residence.[180] This last criterion frequently restricts practice teaching to Anglo schools.

179/ Uvaldo Palomares, "Nuestros sentimientos son iguales, la diferencia es en la experiencia" [text is in English] Personnel and Guidance Journal, Vol. 50, No. 2 (Oct. 1971), pp. 137-144.

180/ Interview with B. Kravitz, professor of education, California State University, Fullerton, May 16, 1973.

First, many teacher education institutions are located in predominantly Anglo, middle class areas. Consequently, the teachers trained in these institutions often do their practice teaching in classrooms with few, if any, Chicano students. For example, the University of California at Los Angeles (UCLA) is located in Westwood, an upper middle class, predominantly Anglo area of Los Angeles. UCLA prepares a large number of teachers for the whole Los Angeles basin and beyond. Yet, Commission staff were informed that, as recently as the 1971-72 school year, UCLA was not placing practice teachers in the many Los Angeles schools that have substantial numbers of Mexican American students.[181/]

Second, the overwhelming majority of student teachers are Anglos. Most are likely to live in Anglo neighborhoods and the schools located near their homes are also likely to be Anglo schools. Thus, the criterion of proximity to the trainee's place of residence often limits his or her opportunity for practice teaching with Chicano children.

Interviews with the directors of some of the largest teacher education institutions in the Southwest revealed that institutions in most of the five States have no policy requirement nor make any specific effort to

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181/ Cecilia C. R. Suarez, Curriculum Conference.

place students in schools having a substantial minority enrollment. 182/ In fact, according to one director of student teaching, policy considerations frequently have the effect of avoiding the placement of student teachers in schools with large numbers of economically disadvantaged minority students. He pointed out to Commission staff:

> In many of the lower socio-economic status schools, the general feeling is that it is a difficult assignment for the novice teacher. Too many disciplinary problems are faced and one does not always have the best teachers to use as models for the prospective teacher. 183/

California is the only one of the five Southwestern States that has officially recognized the need to afford student teachers the experience of teaching minority as well as majority group children. Legislation recently was enacted requiring a "cross-cultural" experience during the

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182/ The institutions surveyed were: Arizona State University, The University of Arizona, Colorado State University, Southwest Texas State College, North Texas State University, University of New Mexico, California State University, Long Beach, California State University, Los Angeles, California State University, Sacramento, California State University, Fullerton. Only two institutions, the University of New Mexico and California State University, Sacramento, indicated that they attempt to place teacher trainees in schools with substantial minority enrollments.

183/ Interview with B. Kravitz, May 1973.

teacher training period as a condition of teacher certification in California. 184/ This requirement is scheduled to go into effect in the 1974-75 academic year. None of the other Southwestern States have adopted similar requirements.

The failure of teacher education institutions in the Southwest to provide information about and practice in teaching Chicano students severely handicaps trainees in their effort to become effective teachers of these students. The overwhelming majority of teacher trainees enrolled in these institutions are Anglo. Most of them enter teacher training institutions lacking the understanding or appreciation of the Chicano culture and background that is necessary to teach Chicano children effectively. 185/ For many, the best, perhaps the only, opportunity to gain this understanding and appreciation before entering upon teaching careers is through their training in teacher education institutions. Neither through their course

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184/ Teacher Preparation and Licensing Law of 1970 (Ryan Act), Cal. Educ. Code § 13344 (1972).

185/ Students of all cultures and backgrounds have similar learning needs, but these needs are manifested in different ways. Learning requires a focusing of attention, and attention is dependent on the students' interests. New ideas have to be presented to students in terms and concepts with which they are already familiar. The students must also be rewarded for their efforts in order for them to be receptive to pursuing further learning tasks. The stimuli and setting which meet these conditions vary from person to person, and are heavily influenced by the person's culture, background, and accumulated life experiences. See Michael Cole and others, The Cultural Context of Learning and Thinking (New York: Basic Books, 1971), pp. 216, 233. Teachers who have not gained an understanding of the culture and background of Chicano students can seldom arrange effective learning situations for those students.

work nor through practice teaching, however, are trainees given this opportunity. Most graduate from teacher education institutions in the Southwest with no greater understanding of Chicanos than they had when they entered. As one Mexican American educator told the Commission staff:

> Almost invariably those people...who enter schools of education are generally ignorant of basic problems and issues regarding culture, traditions, and linguistic differences. And...they emerge almost invariably about as ignorant along these dimensions as when they entered. 186/

186/ Interview with Tomás Arciniega, March 1973.

CHAPTER V

COUNSELING

The basic purpose of counseling is to serve as a necessary bridge between the demands of the school and society and the needs of the individual student. It is one of the most important services the school provides to the student outside the classroom.

Counselors carry out a number of functions important to the educational, social, and emotional development of students. Among their responsibilities are: advising students on selection of courses; assisting students in deciding on a choice of a career or college and supplying information about scholarships and other financial aid for those who choose to go on to college; offering guidance to students who encounter personal problems in adjusting to the school environment; maintaining contact with the students' parents; and, where necessary, referring students and their families to community agencies which provide social services. 187/ The counselor seeks to provide an accepting atmosphere so that students may freely discuss their academic and social problems. In short, counselors are an important link to help the child deal with problems of school, home, and community.

187/ American School Counselor Association, Statement of Policy for Secondary School Counselors and Guidelines for Implementation of the ASCA Statement of Policy for Secondary School Counselors (Washington, D.C.: American Personnel and Guidance Association, 1964).

The services offered by the counselor are of special importance for children from economically disadvantaged backgrounds. As one former counselor told Commission staff:

> Kids coming to school from a background of poverty are found to have serious problems. First, just the physical components of the problem. They may be hungry, they are poorly clothed, there aren't any books in the home...but the psychological factors are just as important. Mostly it is the students' own poor self concept, particularly in competition with the middle class kids. 188/

For many Mexican American students, effective counseling can be essential, especially for those from economically disadvantaged families.[189] Beyond this, many Chicano children come to school with cultural and linguistic backgrounds different from those of Anglo children, which the school considers the "norm." As indicated earlier, an estimated 50 percent of Chicano children in first grade frequently do not speak English as well as their Anglo classmates. 190/

188/ Vicente Rivas, Counseling Conference. Dr. Rivas is associate dean of Student Affairs and Special Programs, Office of the Chancellor, California State University and Colleges. He was formerly director of EPDA Counseling Project at San Diego State University, California.

189/ From data collected in the USCCR Spring 1969 Survey, the Commission was able to estimate that 28 percent of all Chicanos in elementary schools and 24 percent in secondary schools in districts 10 percent or more Mexican American came from families which had incomes below $3,000. In contrast, corresponding estimates for Anglo pupils indicated that only six percent and seven percent, respectively, of these students came from families with as low an income.

190/ See p. 9 of this report.

Counselors can play an important role in facilitating the school success of Chicano students. As the school official who can most easily approach the student, the counselor must help reduce the anxieties of many Chicano students, which grow out of the school's response to their different language, culture, and economic status. The counselor can act as a valuable link between school and community by interpreting the school's expectations to parents and students as well as conveying the needs and expectations of the parents and students to the school. Thus, for many Mexican American children and their families, the basic role of the counselor--to provide a bridge between the school and the child--has special importance.

How effective are counselors in carrying out their assigned responsibilities? The answer to this question cannot be obtained by reference to statistical data or other evidence susceptible to precise objective measurement. The view of many experienced in the profession of counseling, however, is that counselors have not been effective. This has been especially true regarding their efforts in counseling the majority of Chicano children. At the Commission's November 1972 Counseling Conference one experienced member of the profession frankly conceded: "Counselors are on the whole just not doing a good job with students, particularly Chicano students." 191/

191/ Miguel Arciniega, Counseling Conference. Dr. Arciniega is assistant professor of counselor education, San Jose State University, California.

A number of factors prevent counselors from providing effective guidance for many Chicano children. The Commission has focused on two: the availability of counselors to serve the needs of children and the kind of training counselors receive in the schools of education and universities of the Southwest.

Availability of Counselors

As in the rest of the country, Southwestern schools do not have enough counselors. In 1969 the Commission estimated that throughout the region there were 3,388 counselors in the schools of districts 10 percent or more Mexican American. 192/ In terms of the pupil-counselor ratio, this means that there were 1,124 pupils for every counselor in those districts included in the Commission survey. (See Table 11.) In the elementary schools, pupil-counselor ratios were much higher. For the entire survey area the elementary school pupil-counselor ratio was 3,843 to 1. Even for secondary schools where the ratio was much lower--471 to 1 193/--the proportion was nearly twice as high as the 250 to 1 ratio suggested as adequate by the American School Counselor Association (ASCA). 194/

192/ USCCR Spring 1969 Survey.

193/ Although many educators would contend that counseling is as important at the elementary as at the secondary level, there is frequently no elementary school official who devotes full time to this service. Counseling in elementary schools often is provided by the principal or specified teachers.

194/ American School Counselor Assn., Statement of Policy.

TABLE 11. PUPIL COUNSELOR RATIOS - SECONDARY, ELEMENTARY AND TOTAL SCHOOLS, IN SOUTHWESTERN DISTRICTS 10 PERCENT OR MORE MEXICAN AMERICAN

Five Southwestern States

State	Secondary Schools			Elementary Schools			Total Schools		
	No. of Students	Counselors	Pupil Counselor-Ratio	No. of Students	Counselors	Pupil Counselor-Ratio	No. of Students	Counselor	Pupil Counselor-Ratio
Arizona	67,892	240	283:1	148,044	52	2847:1	215,936	292	740:1
California	755,740	1,552	487:1	1,495,856	312	4794:1	2,251,596	1,864	1208:1
Colorado	91,416	312	293:1	111,128	32	3473:1	202,544	344	589:1
New Mexico	92,904	212	438:1	146,336	48	3049:1	239,240	260	920:1
Texas	279,000	416	671:1	619,376	212	2922:1	898,376	628	1431:1
Southwest	1,286,952	2,732	471:1	2,520,740	656	3843:1	3,807,692	3,388	1124:1

SOURCE: USCCR Spring 1969 Survey

In addition to the high ratio of students to counselors that generally prevails in the schools of the Southwest, a very small proportion of the counselors are Mexican American. In districts 10 percent or more Mexican American only 184 of the 3,388 counselors (5.4 percent) are Chicanos. (See Table 12.) Only in New Mexico does the percentage of Chicano counselors reach as much as half the percentage of the Chicano enrollment. In California, by contrast, where one in every five pupils in the survey area is Mexican American, fewer than one of every 30 counselors is of that ethnic origin.

An examination of the pupil-counselor ratio across ethnic lines underscores the extent to which Mexican Americans are underrepresented among counselors. (See Table 13.) At the secondary level, where the greatest number of Chicano counselors are to be found, the ratio of Mexican American pupils for every Mexican American counselor is 2,203 to 1. For blacks, the ratio of black pupils to black counselors is 1047 to 1, and for Anglos the ratio is 347 to 1. In every State the Chicano pupil-counselor ratio is much higher than that for blacks or Anglos. The disparity in the representation of Mexican Americans versus that of blacks and Anglos is greatest in Colorado where there are 4,870 Chicanos to each Chicano counselor, while Anglos and blacks have pupil-counselor ratios of 234 to 1 and 258 to 1, respectively.

TABLE 12: TOTAL COUNSELORS, AND NUMBER AND PERCENT OF COUNSELORS THAT ARE MEXICAN AMERICAN IN SOUTHWESTERN DISTRICTS 10 PERCENT OR MORE MEXICAN AMERICAN

State	Counselors	No. of Mexican American Counselors	Percent of Counselors that is Mexican American	Percent of Enrollment that is Mexican American
Arizona	292	16	5.5%	28.4%
California	1864	56	3.0	21.4
Colorado	344	12	3.5	27.9
New Mexico	260	60	23.1	39.7
Texas	628	40	6.4	43.6
Southwest	3,388	184	5.4	28.5

SOURCE: USCCR Spring 1969 Survey

TABLE 13: PUPIL-COUNSELOR RATIOS BY ETHNIC GROUP IN SECONDARY SCHOOLS IN SOUTHWESTERN DISTRICTS 10 PERCENT OR MORE MEXICAN AMERICAN

State	Mexican Americans Pupils per Counselors	Anglos Pupils per Counselors	Blacks Pupils per Counselors
Arizona	1530:1	186:1	349:1
California	2223:1	377:1	1645:1
Colorado	4638:1	234:1	258:1
New Mexico	687:1	313:1	- * -
Texas	3106:1	425:1	1139:1
Southwest	1926:1	347:1	1047:1

SOURCE: USCCR Spring 1969 Survey

* There were no black counselors in the school districts in New Mexico which the Commission surveyed in the Spring of 1969.

The lack of Mexican American counselors in the schools of the Southwest has the effect of denying many Chicano students the benefit of advice and guidance from persons whose own backgrounds would tend to assure a more sympathetic understanding of the problems these children face in school. If a Chicano student needs counseling, only rarely will he or she be able to receive it from a Chicano counselor.

In addition, the high ratio of students to counselors prevailing in the Southwest results in so heavy a workload that counselors, regardless of their ethnic origin, find it difficult to perform their duties effectively, even when prepared to do so. Their responsibilities--helping to solve student's social and personal problems, referring students and their families to various social service agencies, guiding students in making sound academic and occupational decisions that determine their future--all require personal attention and time. They require time for the counselors to familiarize themselves with the student's family background, time to get to know students as individuals with individual aspirations and unique capabilities. But time is the one commodity above all that counselors lack.

The heavy workload facing counselors frequently makes it impossible for them to devote the time and attention to individual students necessary to understand the problems they are facing and to advise them wisely. Often, advice on such matters as selection of academic courses is made on the basis of incomplete or inaccurate information about a student's capabilities. Some counselors hold stereotyped images of Mexican Americans and

advise Chicano students on the basis of these stereotypes. Thus, a Commission staff member was told by a teacher in California:

> When my course in psychology was first instituted the counselors (advised) the Chicano students not to take it because it would be too hard for them and they wouldn't get good grades. I had to go to the counselors and tell them to cut it out. Now I have many Chicanos in class and even though the vocabulary is pretty difficult, they do fine. 195/

More often, however, counselors recognize that the advice they give to students may well be based on inaccurate or even incorrect information, but given the severe restrictions on their time there is often little alternative. 196/

In guiding students in their academic and occupational choices, a counselor's role ideally is to coordinate the accumulation of information concerning pupils through such means as conferences with pupils and parents, meetings with teachers and school administrators, use of standardized test scores, academic records, anecdotal records, and personal data forms. 197/ In practice, however, the counselor finds it virtually impossible to perform all these tasks. In addition to the problems caused by being assigned an excessive number of students, counselors often find themselves inundated by paper work. As one experienced counselor explained to Commission staff:

195/ Interview with a California high school teacher, November 1970.

196/ Alfredo Merino, Counseling Conference.

197/ American School Counselor Assn., Statement of Policy, p. 6.

> They /the counselors/ are overworked and in many instances this means that they are loaded down with paperwork, mainly scheduling of classes. After all their clerical duties are done they just don't have time to do what a counselor is supposed to do, that is meet with kids and help them with their problems. 198/

Another counselor in a Texas high school spoke of his own predicament:

> There are only two of us counselors to work with 1,125 students. The paperwork is so great that one of us decided to handle the clerical while the other does nothing but counsel. We are faced with mountains of filing and clerical chores that either a well trained student or secretary could handle; for example, keeping senior records, scheduling, shifting or changing classes, pre-registration forms, absentee records. Because of this, I can't do much follow-up on the individual student by making home visits, talking with more teachers and community members. 199/

In advising Mexican American students on their academic careers, counselors often find themselves forced to rely heavily on IQ and standardized achievement tests. Very often these counselors know full well that such tests carry a cultural and language bias and are inadequate for validly assessing Chicano students' actual intelligence and abilities. One former

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198/ Miguel Arciniega, Counseling Conference.

199/ Interview with Robert Gutierrez, May 1973. Mr. Gutierrez is a counselor in a Texas high school.

counselor told Commission staff:

> Having so many students, a counselor is often forced to rely on the CAT (California Achievement Test) instead of talking at length with each student to see what his or her real interests are or where their academic deficiencies are. 200/

Compounding the problem of too many students and too much paper work is the inadequacy of the technique counselors employ in guiding students. The Commission was informed at its Counseling Conference that counselors in most instances rely almost solely on the traditional one-to-one method. 201/

> The usual practice is for a student to wait his or her turn outside the counselor's office. When the student's turn comes up, he or she, as well as the counselor, are pressed for time. Under such circumstances, it would be difficult for a linguistically and culturally different Chicano child and a counselor who more than likely is Anglo to establish meaningful communication. 202/

Alternative methods exist which not only could conserve a counselor's time but in some instances also could more effectively substitute for the usual one-to-one method. One technique is group counseling, in which the counselor brings together a small group of students to discuss their

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200/ Alfredo Marino, Counseling Conference.

201/ Vicente Rivas, Counseling Conference.

202/ Vicente Rivas, Counseling Conference.

problems and plans. At times parents or other school officials join them. 203/ One counseling instructor at a California university experienced in group counseling told the Commission:

> I have found that many of the Chicano kids who find it very difficult to speak at all about their problems (school or otherwise) when they are alone with the counselor, suddenly will open up to him /her/ when they are with their peers in a small group. 204/

In addition, student problems with their teachers and classes can at times be discussed in the group counseling situation.

A second alternative technique which could be used is peer group guidance, in which carefully supervised students (possibly for academic credit) help fellow students in their school work and in their relations with counselors, teachers, and other members of the school staff. 205/

A third technique, and one that has proved effective particularly with Chicanos, is to employ paraprofessionals who can relate to students' families as well as to the students themselves. In counseling some Mexican American students and working with their families, it would be essential that paraprofessionals be Spanish speaking. 206/ The paraprofessional works

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203/ José Pepe Barron, Counseling Conference.

204/ Alfredo Merino, Counseling Conference.

205/ Alfredo Merino, Counseling Conference.

206/ Interview with Frank Angel, January 1973. Dr. Angel, who is president of Highlands University, Las Vegas, N. Mex., has had considerable experience in the field of counseling.

with the counselor and the students, finds out the students' problems, and either arranges a conference with the counselor (where the paraprofessional may be able to facilitate discussion) or provides advice to students and parents after consultation with the counselor. 207/

Counselor Training

The overwhelming majority of counselors in the Southwest are Anglo. They lack the family and community background that would equip them to understand and respond to the needs of Chicano children in an Anglo school environment. To what extent does the special training all counselors receive fill this gap and enable them to work effectively with Chicano students? In answering this question, the Commission examined the same three aspects of counselor training that are considered under teacher training. 208/ These aspects are: (1) Chicano representation on the staffs of various Federal, State, and local agencies and institutions that control or influence the training of counselors; (2) the degree of Mexican American enrollment in counselor preparation programs; (3) certification and course requirements and supervised experiences afforded counselor trainees by these institutions.

207/ Interview with Frank Angel, January 1973.

208/ See pp. 88-107 of this report.

Educational decisionmaking bodies at Federal, State, and local levels exert largely the same type and degree of control over counselor training programs as they do over teacher training programs. It has already been shown that, at the State and Federal levels, Spanish surnamed persons are grossly underrepresented. 209/

In 1971, 59 institutions of higher education in the Southwest provided a master's degree or the equivalent in counseling. 210/ Of the 436 persons listed on the staffs of these institutions as instructors in counseling, not one had a Spanish surname. 211/

No data are available on the number of Mexican Americans enrolled as counselor trainees. Institutions that train counselors, like those that train teachers, reported that they did not collect this type of enrollment data. However, the small percentage of Chicano enrollment in colleges and universities as a whole strongly suggests that Chicanos are severely underrepresented as counselor trainees. 212/ In addition, Commission

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209/ See pp. 92-94 of this report.

210/ Joseph Hollis and Richard Montz, Counselor Education Directory (Muncie, Ind.: Ball State Univ., 1971).

211/ While some Chicanos may have been hired as faculty since that date, there is little likelihood that the percentage of faculty that is Chicano even vaguely approximates the percentage of school enrollment in the Southwest which is Spanish surname (18 percent).

212/ See p. 97 of this report for an approximate percentage of college enrollment that is Chicano.

staff were informed at their Counseling Conference that the low percentage of counselors who are Chicano (5.4 percent in districts 10 percent or more Mexican American in 1969) is not believed to have shown any meaningful increase since that date. 213/

State certification requirements for counselors vary greatly among the five Southwestern States. Three out of five States--Colorado, New Mexico, and Texas--continue to require teacher certification or teaching experience as the necessary background for acquiring credentials as a counselor. Arizona and California have made some provisions to accept other related work as a substitute for teaching experience. 214/ Because of the very low percentage of Chicano teachers, the prerequisite of teaching experience seriously limits the number of Chicanos who are allowed to enter counseling programs. This requirement also prevents persons who have successfully worked with youth in social agencies and the community from serving as counselors in the schools, for unless these persons also have teacher certification it is very difficult for them to obtain entrance into a counselor training program.

213/ Counseling Conference.

214/ U.S. Department of HEW, Certification Requirements for School Pupil Personnel Workers (Washington, D.C.: GPO, 1967), pp. 3, 5-10, 42-43, 62. (Hereafter cited as Certification Requirements.)

The Commission found that counselor preparation programs generally did not require any unique or additional coursework related to minority students. Only two States, Arizona and Colorado, listed courses among their certification requirements that would in any way relate to understanding specific characteristics of minority students or providing adequate skills for counseling them. In Arizona, anthropology and sociology were included among the courses counselor trainees could take to satisfy certification requirements. In Colorado, sociology was recommended as "related training," and included such courses as race relations, the family, community and intergroup relations, and the school and the community. 215/ None of the States has established requirements for courses such as Spanish, the history of Mexican Americans, and other ethnic studies courses which would be especially suitable for training counselors to work with Chicano pupils.

In many institutions that train counselors, the counseling curriculum fails to include courses related to the language and culture of the Chicano; therefore, it is difficult for the average graduate of these institutions to relate to the Chicano child and her or his family. As one Chicano educator stated:

> The problem originates in the institution where the counselor receives his /her/ training. At present, no curriculum which the counselor is required to take combines Spanish instruction with the sociology of the Spanish speaking community.... The sociology classes...combine the problems of

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215/ Certification Requirements, p. 3.

> many groups, including those of blacks, Mexican Americans and Oriental Americans as if /they/ were similar or identical. In other words, the counselor does not often have the professional background that is necessary to do the job. 216/

Counselor trainees generally have little opportunity to work with Chicano pupils. According to one educator, counselor trainees (like teacher trainees) are usually assigned to schools within close proximity to the institution or the trainee's home. 217/ Since most universities are not located in areas of heavy Chicano population and since most trainees are Anglos also living outside these areas, there is little chance that these trainees will have practice counseling experience in a school with a high proportion of Mexican Americans. Even in those instances where the trainees do practice counseling in a school with a large Chicano student population, it is questionable that the trainees' experience would have much impact, for little or none of the training has equipped them to deal with the Chicano child. 218/

216/ Manuel H. Guerra, "The Mexican American Child, Problem or Talent." Keynote speech at the Second Annual Conference on the Education of Spanish speaking Children and Youth, November 1965.

217/ Interview with P. Hawley, May 1973. Dr. Hawley is a professor in the Department of Counselor Education, San Diego State University, California.

218/ José Pepe Barron, Counseling Conference.

Chicano students with problems are not likely to find much help in a counselor from whom they are all too often alienated by language, culture, and social background. In turn, the counselor is handicapped by a heavy workload, inadequate training, and insufficient information. Thus, the children who may need the most help are likely to receive the least.

CHAPTER VI

TITLE VI AND EQUAL EDUCATIONAL OPPORTUNITY FOR MEXICAN AMERICANS

Title VI of the Civil Rights Act of 1964 provides:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. 218A/

Through this relatively simple legislative language, the force of the Federal Government, with the leverage of its various loan and grant programs, was brought to bear in the effort to eliminate discrimination. The performance of the many Federal departments and agencies in carrying out their Title VI responsibilities has been erratic. 219/ In some areas, however, dramatic results have been achieved through vigorous implementation of Title VI requirements by Federal agencies. One such area has been education, and the agency largely responsible for the results has been the Department of Health, Education, and Welfare.

Whereas litigation and court orders had produced little desegregation in the years 1954 to 1964, in the five years following enactment of Title VI the number of children placed in desegregated schools increased tenfold. These results were obtained primarily through voluntary negotiations between HEW and formerly segregated school

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218A/ 42 U.S.C. 2000D-1.

219/ For a detailed account of the Title VI efforts of some 20 Federal departments and agencies, see U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort (Washington, D.C.: GPO, 1970), pp. 180-250.

districts in which HEW's position was strongly supported by its ability to use administrative enforcement proceedings under Title VI.

Denials of equal educational opportunity can take a variety of forms. The particular form of unequal educational opportunity on which national attention has long been focused is illegal racial segregation in the public schools. Until recently HEW's efforts under Title VI have been directed almost exclusively at attacking this problem and in one specific area of the country--the Deep South. But efforts limited solely to bringing together children of different races and ethnic origins cannot, in and of themselves, achieve equal educational opportunity. The problems facing minority children do not end once they attend school with majority group children.[220/] Additional problems must be addressed. What happens to minority children after they have been desegregated? Are the conditions and practices of the school--the curriculum, staffing patterns, criteria for class assignment, the entire educational program--such that they afford minority children the same opportunity for success as their majority classmates? In short, do minority children receive equal educational services?

220/ Indeed, Congress recognized this fact and enacted legislation--Title IV of the Civil Rights Act of 1964--establishing a program of technical and financial assistance to help overcome problems incident to desegregation. See U.S. Commission on Civil Rights, Title IV and School Desegregation: A Study of a Neglected Federal Program (Washington, D.C.: GPO, 1973).

In the last several years, HEW's Title VI efforts, because of their focus on illegal school segregation, had barely addressed equal educational service issues at all. At the same time, HEW's Title VI regulations specifically prohibit other forms of discrimination including:

> the denial of services; the provision of services in a different manner; and otherwise offering services and benefits in a manner which has the effect of defeating the purpose of the program with respect to particular individuals on the grounds of race, color, or national origin. 221/

During the last several years, HEW has broadened the scope of its Title VI concern to include denials of equal educational services. It also has increased the geographic scope of its inquiry, looking into discrimination in other parts of the country besides the South.

This chapter traces the development by HEW of its equal educational services approach under Title VI as applied to Mexican American students and evaluates the current and potential impact of that approach.

221/ 45 C.F.R. § 80 (1964).

Development of Equal Educational Services Approach

Responsibility for enforcement of Title VI in all programs of the Federal Government rests with the Department's Office for Civil Rights (OCR). 222/ A special Education Branch within OCR has responsibility for enforcing Title VI regarding education. From 1965 to 1969 the Education Branch of the OCR was primarily engaged in eliminating the dual (black-white) school systems of the South. During this period several hundred school districts submitted voluntary desegregation plans, and in over 100 cases fund termination procedures were employed. These enforcement efforts focused mostly on eliminating discrimination in the assignment of black pupils and teachers to schools within a district. 223/

Only a small percentage of the cases involved Chicano students and most of these cases were in Texas. 224/ In some instances HEW found districts in compliance when there was extensive segregation of Mexican Americans or when desegregation involved only Chicanos and blacks. Thus,

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222/ For a description of the development of HEW Title VI enforcement mechanism, see U.S. Commission on Civil Rights, HEW and Title VI (Washington, D.C.: GPO, 1970).

223/ Martin Gerry, "Cultural Freedom and the Rights of La Raza" (unpublished paper), Office for Civil Rights, U.S. Department of Health, Education, and Welfare, 1970.

224/ Jerold D. Ward, education branch chief, Office for Civil Rights, Dallas regional office, HEW, in 1968 did not believe that there had been "a hearing held on a district solely on discrimination against Mexican Americans.... However, in some of the districts in which enforcement action had been taken there was discrimination against both blacks and Mexican Americans." Hearing before the U.S. Commission on Civil Rights, San Antonio, Tex., Dec. 9-14, 1968 (Washington, D.C.: GPO, 1969), p. 338.

HEW found that Alice Independent School District (ISD), Texas, a district 54 percent Mexican American, 35 percent Anglo and 1 percent black, was in compliance with Title VI, even though the district operated a freedom of choice plan under which four of its seven elementary schools had enrollments that were 95 percent or more Mexican American.[225]

Even in cases involving Chicanos where the district was found not to be in compliance with Title VI, HEW failed to take steps to enforce compliance. For example, in September 1968, HEW indicated that Pecos, Texas, "appeared in violation" of Title VI because, among other reasons, the district segregated Mexican Americans and blacks in "Mexican" and "Negro" schools, had never allowed a black child at the elementary level to attend a predominantly Anglo elementary school, and had never permitted a black teacher, and only one Mexican American teacher, to work in a predominantly Anglo school.[226] When changes were not made, a second review of Pecos ISD was conducted in June 1969, and HEW issued a letter of noncompliance.[227]

225/ All but three of the district's 28 black elementary students attended one school that was 99 percent Mexican American. In addition, substantial numbers of Anglo elementary pupils were bused past a school with high Mexican American enrollment to get to an overcrowded predominantly Anglo school. Office for Civil Rights, U.S. Department of Health, Education and Welfare, On Site Review of Alice ISD, September 1968, (unpublished document).

226/ OCR/HEW On Site Review of Pecos ISD in Conjunction with Area Mexican American Study, September 1968.

227/ OCR/HEW On Site Review of Pecos ISD, June 1969, cited in Jorge Rangel and Carlos M. Alcalá, "Project Report: De Jure Segregation of Chicanos in Texas Schools", Harvard Civil Rights and Civil Liberties Law Review, Vol. 7 (1972), p. 368.

Nevertheless, the district's noncompliance was never followed with administrative enforcement by HEW.[228/]

Prior to 1970 the Department was involved, but only to a very limited extent, in issues dealing with discrimination in the design and operation of school programs,[229/] although this type of discrimination was prohibited by the Department's own regulations implementing Title VI.[230/] The first step in this direction came on May 25, 1970, when a memorandum clarifying HEW policy was issued to all school districts with five percent or more national origin minority enrollment. This memorandum entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin" sets out the following requirements for compliance with Title VI:

228/ Other districts involving the segregation of Chicanos reviewed by HEW in the years 1965-1969, and on which no action was taken, were New Braunfels, Beeville, Sonora, Wilson, and Shallowater in Texas and Carlsbad, Clovia, Hobbs, and Las Cruces in New Mexico. Rangel and Alcala, "Project Report," pp. 366-68.

229/ Thus, according to one HEW official, "complaints...received by OCR dealing with the treatment of students...were invariably taken up with school district officials." And..."OCR did concern itself with /school/ facilities and broad concerns of comparability." Letter of June 20, 1973, from William H. van den Toorn, executive assistant to the director, Office for Civil Rights, HEW, Washington, D.C. (OCR/Washington), to U.S. Commission on Civil Rights, Washington, D.C.

230/ The HEW Title VI Regulations, 45 CFR, § 80, prohibit the operation of any federally assisted program in a manner which has "the effect of subjecting individuals to discrimination because of their race, color, or national origin or /has/ the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect/s/ individuals of a particular race, color, or national origin."

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English. 230A/

All four points of the memorandum specifically refer to types of school discrimination related to the lack of English language skills of children or their parents. The first point of the memorandum makes it clear that it is the school's responsibility to meet the language needs of students when the difference in the home language and the language used in school excludes children from "effective participation" in the educational program. The second and third points essentially prohibit student assignment practices within schools which are based on the student's lack of English language skills and which have long-term effects on a child's

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230A/ HEW Memorandum of May 25, 1970, 35 Fed. Reg. 11595 (1970).

educational opportunities. The final point stresses the responsibility of the schools to inform parents of school activities in the language parents can understand.

The May 25 memorandum has been criticized because it did not cover several requirements that would have considerably broadened OCR's approach to equal educational services for minority students. Included among these were compliance standards for: (1) an affirmative program of recruitment and inservice training for teachers, counselors, and administrators possessing a sensitivity for, and an understanding of, the cultural background of minority pupils; (2) incorporation in the curriculum of courses which recognize and illustrate contributions made to this country by forebears of minority pupils; and, (3) provision of bilingual personnel in schools and districts that have a significant Spanish speaking enrollment.[231/]

Despite the fact that these requirements were excluded from the May 25 memorandum, in the past year and a half OCR has interpreted the memorandum broadly enough to incorporate their major provisions into compliance reviews. The former Acting Director of the Office for Civil Rights explains the approach:

> The drafting of the May 25 memorandum reflected the belief that under Title VI and the Constitution school districts have an obligation to administer their educational programs with sufficient flexibility to assure equal access of all children to the programs' full benefits. Under this approach,

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231/ Rangel and Alcala, "Project Report," p. 370.

> school districts must adapt their educational approach so that the culture, language, and learning style of all children in the school (including but not limited to those of the Anglo children) are accepted and valued. National origin minority children thus are not penalized for cultural and linguistic differences, nor asked to bear the unfair burden of conforming to a school culture by the total abandonment of their own. 232/

The broadening of this approach is reflected in the methodology and techniques used by OCR to conduct "national origin" and "equal educational services" compliance reviews to determine the items of non-compliance. 233/ (These reviews will be discussed in greater detail in subsequent sections.)

In addition to broadening the approach of the memorandum to include denial of the benefits of an education on the basis of factors other than language, OCR also has extended the program in another way, according to the former Acting Director of the HEW Office for Civil Rights. She describes the change:

232/ Letter of Feb. 23, 1973, from Patricia A. King, acting director, OCR / Washington, to U.S. Commission on Civil Rights, Washington, D.C., in reply to a Commission questionnaire.

233/ The term "equal educational services compliance reviews" has been adopted by OCR to refer to the types of reviews using the approaches which were initiated with the issuance of the May 25 national origin memorandum. The reviews were previously called "national origin compliance reviews."

> ...initially /the approach/ concentrated on the development of new enforcement programs to protect the right of ethnic minority children with primary language skills in a language other than English to equal educational services. /T/he program has been broadened during the last two years to include black as well as ethnic minority children as clients and all in-school discrimination practices as the subject matter. 234/

According to HEW the primary goals of the current educational services enforcement effort are as follows:

1. The elimination of discrimination in the operation of elementary and secondary education in both its tangible (e.g., classroom segregation, average class size, average years of teaching experience, average expenditure) and intangible (e.g., language of classroom, cultural awareness of staff, etc.) manifestations.

2. The cooperative development (with local school districts) and implementation of comprehensive educational programs which (a) provide an equally accepting and supportive educational environment for all children...and (b) support a truly bicultural education program in which the learning style, incentive-motivational style, and communication style of all children are carefully identified as used to formulate the teaching styles and strategies of the classroom assisted by coherent, directional early childhood environment/education programs which provide cognitive stimulation and development for many pre-school children (ages 3-5). 235/

234/ Letter from Patricia A. King, Feb. 23, 1973.

235/ Letter from Patricia A. King, Feb. 23, 1973.

The broadening of the approach as described in the above communication from the Office for Civil Rights has not been made public in any official HEW memorandum or publication. In fact the booklet with which HEW informs the public of its official policies on elementary and secondary school compliance with Title VI has not been updated since 1968. Consequently, this booklet does not even include the directives from the memorandum of May 25, 1970. 236/

Responsibility for Implementation

The responsibility for implementing the May 25 memorandum rests with the Washington and regional offices of OCR in HEW. Initially the Washington OCR was largely responsible for directing the regions in implementation because of the need to develop new approaches and techniques for enforcing the May 25 memorandum. The main responsibility, however, of actually processing complaints, conducting reviews, and

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236/ U.S. Department of HEW, Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964 (Washington, D.C.: GPO, March 1968).

negotiating plans has always rested with each of the OCR's regional offices.[237/]

Of the three regional offices which have the greatest responsibility for assuring equal educational services for Mexican Americans--Dallas, Denver, and San Francisco--the Dallas office has been, by far, the most active. As a result of the initiative demonstrated by the Dallas OCR regional director, that office worked closely with OCR's Office of Special Programs in Washington[238/] in developing the methodology and

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237/ The 10 HEW regional offices and the States they cover are:
Boston, Region I (Conn., Maine, Mass., N.H., R.I., Vt.);
New York, Region II (N.J., N.Y., P.R., V.I.);
Philadelphia, Region III (Del., D.C., Md., Pa., Va., W.Va.);
Atlanta, Region IV (Ala., Ga., Fla., Ky., Miss., N.C., S.C., Tenn.);
Chicago, Region V (Ill., Ind., Mich., Minn., Ohio, Wis.);
Dallas, Region VI (Ark., La., N. Mex., Okla., Tex.);
Kansas City, Region VII (Iowa, Kans., Mo., Nebr.);
Denver, Region VIII (Colo., Mont., N. Dak., S. Dak., Utah, Wyo.);
San Francisco, Region IX (Ariz., Calif., Hawaii, Nev., Guam, American Samoa);
Seattle, Region X (Alaska, Idaho, Oreg., Wash.).

238/ Upon issuance of the May 25 memorandum the function of directing the regions in the development of the methods of enforcement was given to the Office of Special Programs (OSP) within OCR. Now that a general approach has been developed, OSP no longer has this function although it "retains responsibility within OCR for developing new investigative techniques and undertaking special investigative projects such as the equal educational services review of New York City." Letter from William H. van den Toorn, June 20, 1973.

techniques to be used in enforcement of the May 25 memorandum. The initial compliance reviews relating to the memorandum were all conducted out of the Dallas office and it was in the process of conducting these reviews that a systematic approach to enforcement was developed. 239/

As of February 1973 virtually all Title VI educational reviews, including those of equal educational services, had been conducted as a result of complaints. OCR has authority, however, to conduct reviews of any district which receives Federal funds whether or not OCR has received complaints regarding denial of equal educational services. At least one regional office has given some consideration to conducting systematic reviews on a routine basis. In such cases, compliance reviews would be made of a sample of districts in different areas of the country. 240/

239/ According to the Dallas regional director, the program for national origin minorities is now sufficiently developed to be applied nationally for all ethnic and racial groups. However, further work needs to be done in modifying provisions of the memorandum to make them applicable to black children. Interview with Dorothy Stuck, Director, OCR/Dallas, Jan. 30, 1973.

240/ Interview with James Littlejohn, education specialist, OCR/Dallas, Jan. 30, 1973.

As a matter of nationwide OCR policy, compliance with the equal educational services requirements is now a regular aspect of all Title VI reviews. 241/ Thus, there are no separate units dealing solely with equal educational services compliance. 242/ The staff of the education branch of each regional OCR has responsibility for conducting compliance investigations dealing with (1) traditional Title VI issues of student and teacher assignment, (2) equal educational services, and (3) Emergency School

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241/ Interview with Martin Gerry, assistant director, special programs, and acting deputy director, OCR/Washington, May 6, 1973. This policy decision was also cited by another OCR official who stated that all future Title VI reviews conducted out of the Dallas Region would include the equal educational services approach. Interview with Dorothy Stuck, Jan. 30, 1973.

242/ OCR/Dallas until recently separated the "national origin" functions from the "regular" Title VI functions. A separate unit composed of five professional staff persons of a total of 13 in the education branch was responsible for all national origin issues. In effect, this meant that these five dealt with segregation, staffing and equal educational services issues in regard to Mexican Americans while the remaining staff dealt with segregation and staffing issues as they affected blacks. Currently all staff members share responsibilities in each of these areas. Interview with John A. Bell, Chief, education branch, OCR/Dallas, June 29, 1973.

Aid Act (ESAA) pre- and postgrant reviews. 243/

Staffing in the regional office education branches was, as of February 1973, far from adequate for meeting these three responsibilities for compliance investigations. The three regional offices most concerned with educational opportunities for Mexican Americans employed the following number of professional staff in their elementary and secondary education branches: 244/

Dallas	13
San Francisco	17
Denver	2

These limitations in staff did not allow the regional offices nearly enough personnel to enforce adequately their Title VI mandates. Further, HEW added ESAA review responsibilities to the Title VI duties of OCR in late 1972. The effect was to reduce sharply the scope and number of traditional Title VI and equal educational services compliance reviews. 245/

243/ The 1972 Emergency School Aid Act, U.S.C. § 1601 et. seq. (1972) authorizes program funds to assist school districts in the process of desegregation. In order to be eligible for these funds ESAA grantees must meet certain nondiscrimination requirements similar to those required under Title VI. The HEW Office for Civil Rights has been given primary responsibility for conducting pre- and post-grant reviews to determine compliance.

244/ Letter from Patricia A. King, Feb. 23, 1973.

245/ HEW requested additional staff positions to enforce ESAA civil rights provisions during FY 1973 and Congress approved 85 additional positions for the purpose as part of the supplemental appropriations act. According to OCR/Washington they "did not receive department authority to commence hiring for the new positions until March 21, 1973. The new /staff/, once on board and trained, will help ease the situation...namely /curtail/ diversion of existing staff to conduct ESAA review activity." For FY 1974 OCR/Washington has requested an additional 30 positions for Title VI enforcement. Letter from William H. van den Toorn, June 20, 1973.

Since ESAA grants primarily have gone to school districts in the Southern States, the Dallas regional office has assumed a major role in conducting these reviews.[246/] Thus, efforts to enforce Title VI have been sharply cut back due to the demands of the ESAA reviews. For example, during the month of February 1973, the elementary and secondary education staff of the Dallas region OCR was spending 90 percent of its time on ESAA reviews.[247/] The fact that the Dallas regional office by July 1973 had hired 12 additional persons to conduct ESAA reviews may mean that there will be more time for Title VI reviews. Nevertheless, all of these new staff members must undergo three to six months training before they can be expected to assume full review responsibilities.[248/]

In addition to directing and assisting in the Title VI enforcement activities of each of the regional offices, OCR/Washington also conducts annually a national elementary and secondary school civil rights survey.

246/ OCR/Atlanta has also been responsible for a large number of the ESAA reviews.

247/ Eligibility reviews of districts under the ESAA do include, in addition to other Title VI concerns, components of the equal educational services approach. However, few districts with significant numbers of Mexican American students have been reviewed for ESAA grants. This is primarily a result of the fact that in order to be eligible for ESAA a district must be in the process of desegregating, either under court order or by voluntary plan.

248/ Interview with John A. Bell, June 29, 1973.

In 1972 districts were required to furnish OCR/HEW with information on the race and ethnicity of students and teachers, the construction and acquisition of school sites, and the number of teachers and students involved in bilingual instruction. On separate forms individual schools were required to furnish information on the race and ethnicity of students within grade sections, the race and ethnicity of students repeating grades, and the race and ethnic background of the school staff.

HEW publishes a summary of these data every two years entitled Directory of Public Elementary and Secondary Schools in Selected Districts. Information from the district and school forms is forwarded from the Washington OCR office to each of the appropriate regional offices to be used as background information for processing complaints and conducting reviews of districts. The information dealing with equal educational services collected to date in the survey is largely inadequate. Data which schools and districts have provided is not inclusive enough to indicate whether a district or a school has or has not taken steps to meet the needs of its students. Although districts provide information on the number of teachers giving bilingual instruction and the number of students receiving such instruction, this information is not given by school nor is the race or ethnicity of the participating students included. Consequently, it is not possible to determine if the instruction is being provided to those who are most in need of it. Moreover, because the district is not required to give information about the number of children entering school whose

home language is not English, there is no indication of the extent of the English language needs of students in the district. 249/

On the individual school forms OCR/HEW collects data on the ethnicity of students repeating grades which give some indication of whether a school is meeting its obligation to provide equal educational services. However, OCR fails to ask enough details in its questions about enrollment in "special education" and enrollment in sections within grades to give an accurate indication of the extent to which minority students are placed in EMR classes or in low ability groups or tracks. As a result, OCR collects very little data which would indicate how minority students are achieving academically, by the district's own standards. Since this type of information is one of the main indicators of the denial of equal educational services to minority students, it is a significant omission from the survey items. 250/

249/ For the fall 1973 survey OCR is considering requiring the districts to answer questions both on the ethnicity of the students being served and on the number of students entering school whose home language is not English. If this is done it will significantly improve the utility of the data; however, because the information is not being collected by school, it will not be possible to determine accurately to what extent the instruction is being provided to those who are in need.

250/ For the fall 1973 survey OCR is considering clarifying its question on student enrollment in "special education" by breaking this down into enrollment in EMR and enrollment in Trainable Mentally Retarded classes. In addition, OCR is considering requiring schools to indicate on the questionnaire whether or not they practice any form of ability grouping and for which grades this is done. In combination with the information obtained on enrollment in sections within grades this would provide a better estimate of placement of minority students in low groups or tracks; however, because the information on sections is not provided for all grades it will not always be possible to find out what the minority enrollment is in the low sections or in EMR classes.

Equal Educational Services Compliance Reviews Dealing with Mexican American Education

The "Equal Educational Services Districts"

The approach used by OCR to protect the rights of Mexican American students to equal educational services can best be understood by an analysis of OCR's completed on site reviews dealing with Mexican American students. 251/ As of January 29, 1973, OCR had completed reviews of 30 districts regarding compliance with the memorandum of May 25, 1970.252/ All but five of these reviews focused exclusively on Mexican American students. 253/ Twenty-one of the reviews were in Texas, three in Arizona, two in Kansas, and one each in Indiana, Massachusetts, New Mexico, and Wisconsin. Table 14 gives the compliance status of these 30 districts. Except where noted the review focused on Mexican American students. 254/

251/ In addition to conducting on site reviews, the OCR regional offices also conduct investigations on specific complaints received from throughout each region. Normally all complaints which can be handled quickly are investigated and acted upon. Those which require more extensive investigations are evaluated against each other according to priorities of staff time. Some of these may lead to a complete on site investigation of a school district. Because of staff limitations, many complaints are never adequately investigated.

252/ An additional 23 districts were under review as of January 1973.

253/ Winslow, Ariz. (Mexican Americans and Indians); Tempe, Ariz. (Mexican Americans and Indians); East Chicago, Ind. (Mexican Americans, Puerto Ricans,and blacks); Boston Public Schools, Mass. (Puerto Ricans and blacks), and Shawano School District No. 8, Wis. (American Indians).

254/ A few of these "Mexican American" reviews included the segregation of black students with Chicano students or the failure to hire black as well as Chicano teachers. However, the major focus was on the provision of equal educational services to Mexican American students.

TABLE 14

SCHOOL DISTRICTS WHERE REVIEWS HAVE BEEN COMPLETED BY HEW/OCR REGARDING THE PROVISION OF EQUAL EDUCATIONAL SERVICES, FEBRUARY 1, 1973

Districts Notified of Noncompliance Which Have Completed Negotiating Plans

	Earliest Date of Notification
Ozona ISD, Texas	May 1970
Bishop ISD, Texas	May 1970
Los Fresnos ISD, Texas	Dec. 1970
Beeville ISD, Texas	Feb. 1971
Sierra Blanca ISD, Texas	March 1971
Lockhart ISD, Texas	March 1971
San Marcos ISD, Texas	April 1971
Carney Rural ISD, Texas	June 1971
Weslaco ISD, Texas	June 1971
Pawnee ISD, Texas	Aug. 1971
Fort Stockton ISD, Texas	Aug. 1971
Santa Maria ISD, Texas	May 1972
El Paso ISD, Texas	June 1972
Socorro ISD, Texas	Sept. 1972

Districts Notified of Noncompliance Which Are in the Process of Negotiating Plans

	Earliest Date of Notification
Rotan ISD, Texas	Jan. 1971
Taft ISD, Texas	Aug. 1971
Eagle Pass ISD, Texas*	Oct. 1972
Harlingen ISD, Texas	Dec. 1972
La Feria ISD, Texas	March 1972
Hobbs, New Mexico	Dec. 1972
Tempe, Arizona (Indians & Mexican Americans)	Dec. 1972
Winslow, Arizona (Indians & Mexican Americans)	June 1972
East Chicago, Indiana (Mexican American, black and Puerto Rican)	June 1972
Shawano, Wisconsin (Indians)	Oct. 1972
Tucson, Arizona	Jan. 1973

Districts Notified of Noncompliance Which Have Not Yet begun Negotiating Plans or Have Indicated they will Not Negotiate

	Earliest Date of Notification
Karnes City ISD, Texas	June 1971
Holcomb, Kansas**	Jan. 1973
Garden City, Kansas**	Nov. 1972

Districts Notified of Noncompliance Which are in Violation of Title VI and are Under Administrative Proceedings of the Office of General Counsel of OCR

	Earliest Date of Notification
Uvalde ISD, Texas	June 1971
Boston Public Schools Massachusetts (black and Puerto Rican students)	Dec. 1971

* Eagle Pass ISD, Texas, negotiated a comprehensive plan with OCR Feb. 28, 1973.
** Holcomb, Kansas, and Garden City, Kansas, began negotiating plans with OCR after Feb. 1, 1973.

The Review Process

The equal education services (EES) compliance reviews have varied considerably in scope, intensity, and duration. The reviews have varied depending on the size of the district and the nature of the complaints being investigated. Another factor that accounts for the variance is the evolution of the equal educational services compliances approach since the memorandum was released in 1970.

The size of the districts reviewed has ranged from very small districts serving only a few hundred students to districts as large as El Paso, Texas, with approximately 62,000 students. Obviously, the manpower and time required to review districts of such disparate size vary greatly.

Investigations of some types of violations require considerably more time than others. For example, complaints of a failure to notify parents in Spanish about school activities or reports of the prohibition of the use of Spanish involve less time and staff to investigate than a complaint alleging a denial of equal education based on the lack of language programs. For the first type of complaint the investigator merely has to determine simple facts, e.g., are parents notified in Spanish about school activities? Are students allowed to use Spanish in the classroom? On the other hand, to investigate denial of equal education because of the lack of a language program may involve such elements as establishing the level of English language skill of children on entering school and comparing student achievement in subsequent years.

The review process used has varied considerably, in that OCR has gradually developed a more comprehensive and systematic compliance review procedure during the three-year period since the issuance of the May 25 memorandum. As a result, the more recent reviews are generally broader in scope and involve more complex investigative procedures than earlier ones.

The average on site review conducted by the Dallas OCR has involved approximately 4 or 5 days of investigation of the district by three OCR staff persons. However, staff time involved in an on site review has ranged from a two-day, three-person review of Pawnee, Texas, with only 300 students, to a three-and four-week review of the El Paso ISD [255/] where 12 persons were included. [256/]

255/ The El Paso review could have been completed in a somewhat shorter period, however, OCR/Dallas used this district to train some of its compliance staff. Interview with James Littlejohn, Jan. 30, 1973.

256/ The time indicated in these two examples is the actual time on site, i.e., interviewing school officials, collecting data, etc. Most of the time in the review process which may be measured in weeks or even months is not spent at the site but actually involves the analysis of data gathered during the visit. Letter from William R. van den Toorn, June 20, 1973.

The Training Manual

The current equal educational services approach of OCR is outlined in the Manual for Conducting Equal Educational Services (EES) Reviews, [257] which serves as a guide for OCR staff. A brief description of the approach outlined in the current Manual will be useful in analyzing the substance of those reviews which have been completed and in indicating the direction taken by OCR in the last 3 years. [258] Only the more recent of the 30 reviews have utilized the total EES compliance review process described; however, it is expected that all future reviews will do so. [259]

According to the Manual it is necessary from a legal standpoint to prove three basic propositions in order to demonstrate that unequal educational services are being provided in a school district and that the district is in noncompliance with Title VI of the Civil Rights Act.

257/ OCR in-house document in draft form, which, with modifications, has been used for the OCR staff training sessions since January 1972. Prepared by Catherine A. C. Welsh, OCR/Washington, spring 1972. (Hereafter cited as Manual.)

258/ The process described in the 1972 Manual was developed from the experience with the earlier, national origin reviews. The formal approach was first utilized in the review of Beeville ISD, Tex., April 1971.

259/ Interview with Martin Gerry, May 6, 1973. Mr. Gerry also indicated that the manual was a working document, i.e., its particulars were constantly being updated as more efficient techniques were developed for conducting reviews.

(1) Minority students in the district enter the schools with different linguistic and/or cultural backgrounds which directly affect their ability to speak and understand the standard English language of the school environment.

(2) The district has failed to take effective affirmative action to equalize access of minority students to the full benefits of the educational program.

(3) Minority students are excluded from effective participation in, and the full benefits of the educational program (including success as measured by the district) of the district as a result of possessing nonstandard English language skills or primary language skills in another language and an accompanying lack of affirmative action by the school district in response to such cultural and linguistic differences. 260/

In order to document each of these propositions extensive information must be collected on the characteristics of students and staff and on school practices and policies within the district.

Documentation of the first proposition requires information on the child's home language and entry skills in English, which is obtained from such sources as Headstart records, test scores, and interviews with the superintendent, principals, teachers, curriculum director, and community sources.

260/ "Introduction" to the Manual, p. i.

Documentation of the second proposition requires a thorough picture of the district's staffing practices, school program, and minority student placement in the various aspects of the program. Using interview and questionnaire data collected from school personnel and a review of school records, the compliance team attempts to determine the following facts: the specific nature of any language programs and compensatory or remedial programs; enrollment in those programs by ethnic background; the ethnic composition and placement procedures for the special education classes; the ethnic and language background of school personnel, including psychologists, counselors, etc; the exact nature of the ability grouping or tracking system used, including criteria for placement, ethnic composition at each level, curriculum used for each level, and mobility between levels; the types of tests used and the method for interpreting test scores; the ethnic background of students repeating grades; attitudes of district and school personnel toward Mexican American students; and, their perception of the school's role in meeting the special needs of Mexican American students.

The third proposition is documented primarily from detailed information on the achievement levels of minority as compared to Anglo students. Directives in the Manual indicate that the Office for Civil Rights uses comparative achievement levels of minority and majority students as the main basis of proof that minority students are being "denied the benefits

of" the educational program in violation of Title VI. 261/

Test data are analyzed in two different ways: by a "comparative focus" and "a historical focus." Under the comparative focus standardized test scores of Mexican American, black, and Anglo students at the same grade level are compared over a number of years (e.g., fourth grade scores are studied over the last 4 years). This analysis reveals the gap in performance of different groups of children and also provides a measure of the effectiveness of school district efforts to improve the educational services to both groups of students over a number of years (i.e., improve their test scores by improved educational programs). Under the historical focus, test scores for the same class are compared as they progress through the educational system. For example, the percentile rankings of the Anglo and minority sixth graders are compared with the percentile rankings of the scores of the same group of children on tests 3 years earlier when they

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261/ Achievement level data used by OCR are generally the results of standardized test scores in use by the districts. According to Gerry, the use of standardized tests for these purposes does not imply a failure on the part of OCR to recognize the cultural and linguistic biases inherent in many of these types of tests. In using these results OCR does not take the position that the test results are necessarily valid measures of achievement. Rather, OCR utilizes the district's own criteria of success, i.e., standardized achievement test results, to measure the success or failure of the district's program. Interview with Martin Gerry, May 6, 1973.

were in the third grade. This analysis provides the basis for a comparison of Anglo and minority test scores and the achievement of each group of students over a period of time. If the achievement of minority students based on percentile ranking is actually declining when compared to their own prior performance, then it can be made clear that minority children are not participating in the full benefits of the education program. 262/

262/ Manual, p. 50.

Issues Involved in HEW Reviews of Equal Educational Service for Mexican American Students

The Commission examined letters of noncompliance for 28 of the 30 districts cited as being in violation of Title VI with regard to the delivery of equal educational services to Mexican American students. 263/ An analysis was made of the issues for which HEW cited these 28 districts as being in noncompliance. Six general areas of noncompliance were identified.

The first general area of noncompliance is the exclusion of substantial numbers of Mexican American students from effective participation in the educational programs on the basis of language and cultural characteristics. Twenty-five of the 28 districts were cited for failure to provide an educational program that was as effective for Mexican American students as for Anglo students. 264/

263/ Since two districts, Boston Public Schools and Shawano Joint District No. 8, have few or no Chicano students they are not included in the analysis that follows.

264/ Districts cited for this violation were: Ozona, Bishop, Los Fresnos, Rotan, Beeville, Sierra Blanca, Carney Rural, Pawnee, Fort Stockton, Santa Maria, El Paso, Socorro, La Feria, Harlingen, Eagle Pass, Taft, Karnes City, and Uvalde in Texas; Tempe, Tucson, and Winslow in Arizona; Hobbs in New Mexico; Garden City and Holcomb in Kansas; and, East Chicago in Indiana.

In most of the early reviews (1970 and early 1971) districts were simply cited in a most general manner for not having bilingual programs to meet the educational needs of the Mexican American enrollment. Thus, HEW cited Crockett County School District, Texas, because it:

> failed to adequately assess the language needs of its Spanish speaking pupils and failed to provide bilingual programs to assist them in overcoming the language and cultural barriers which prevent them from enjoying equal educational opportunities. 265/

Starting with the Beeville, Texas, review in February 1971 266/ and in most reviews thereafter, OCR developed a more systematic approach to prove the basic proposition that equal educational benefits are being denied Mexican Americans. Thus, the new approach differs basically on several points from that used in the earlier reviews. Often, these earlier reviews in effect seemed to indicate that it was enough if a district put in a language program. Under the new approach, when a district is cited for the "denial of benefits," the OCR letter of noncompliance requests the district to submit a broad educational plan to remedy the failure. In this way the OCR does not limit its compliance requirements to any one specific program, but rather

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265/ Letter from OCR/Dallas to Superintendent of Crockett County, Consolidated Common School District, May 20, 1970. Similar terminology was also used in the reviews of Bishop Consolidated ISD. May 27, 1970, and Sierra Blanca ISD. Mar. 4, 1971.

266/ Letter from OCR/Dallas to Superintendent of Beeville ISD, Feb. 17, 1971.

the requirements are broadly defined as "taking whatever steps are necessary to correct the failure." This approach enables OCR to decide in the negotiating process if the district plans to take sufficiently broad steps to remedy the deficiency.

A second general area for which OCR cited districts for noncompliance was low representation of minority staff in proportion to the minority composition of the student enrollment. Twenty of the 28 districts were cited for a substantial underrepresentation of Mexican American teachers. 267/ Four had no Mexican American teachers at all, despite the fact that they had large Mexican American student enrollments. 268/ In addition, nine districts were cited for having none, or too few Mexican American administrators, 269/ and five, for a lack of minority paraprofessionals. 270/

267/ Ozona, Bishop, Rotan, Beeville, Lockhart, San Marcos, Carney Rural, Weslaco, Pawnee, Fort Stockton, Santa Maria, El Paso, Socorro, Taft, Karnes City, Uvalde, La Feria, Harlingen, and Eagle Pass in Texas; and Hobbs in New Mexico.

268/ Ozona, Rotan, Carney Rural, Karnes City.

269/ Ozona, Rotan, San Marcos, Fort Stockton, El Paso, Socorro, Harlingen, Eagle Pass, Hobbs.

270/ Ozona, Rotan, Sierra Blanca, Lockhart, Fort Stockton.

The third general type of equal educational services violation for which districts have been cited is the discriminatory assignment of Mexican American students to classes for the Educable Mentally Retarded (EMR). Fourteen of the 28 districts were found to be assigning Mexican American students into EMR classes on the basis of criteria which essentially measure English language skills. 271/

The fourth general area of Title VI violations is overrepresentation of Mexican American students in "low ability" groups and classes or in the noncollege bound tracks in the junior and senior high schools. Sixteen of the 28 districts were cited for this type of violation. 272/ In some instances reference was made to the bias of the tests or the subjective criteria used to assign Mexican American students to low groups or tracks. In other cases, however, the imbalance in enrollment in the high and low groups or tracks was noted as sufficient evidence of a Title VI violation.

271/ Beeville, Carney Rural, El Paso, Socorro, La Feria, Harlingen, Eagle Pass, Hobbs, Winslow, Tucson, East Chicago, Garden City, Uvalde, Taft. The letter of noncompliance to Taft does not refer specifically to discriminatory assignment practices in EMR placement, but merely cites the district as having an overinclusion of Mexican American students (83 percent compared to a student enrollment 73 percent Mexican American) in special education.

272/ Bishop, Los Fresnos, Rotan, Beeville, Lockhart, Weslaco, Taft, La Feria, Harlingen, Winslow, East Chicago, Karnes City, Holcomb, Uvalde, Tempe, and Tucson.

The basic argument given in citing a district for a violation in grouping and tracking is that when ethnic isolation in classes or in tracks is a direct result of the district's inadequate educational program for Chicanos, then the segregation and the resulting denial of equal opportunity cannot be justified. Thus, the OCR letter of noncompliance to Beeville, Texas, states in part:

> In connection with the failure of the school district to take effective affirmative steps to equalize access to the educational program, Mexican American children appear to have been denied access to college preparatory courses on a basis directly related to the system's failure to inculcate English language skills. The decline previously noted in the educational performance of the students with language difficulties carries through to high school where although Mexican Americans constitute about 50 percent of the students, they comprise only about 10 percent of the advanced group and between 80 percent and 90 percent of the lower high school grouping of students not receiving college preparatory work. 273/

In the OCR letter of noncompliance to East Chicago, Indiana, the case made against the grouping and tracking practices resulting in isolation of Chicanos and Puerto Ricans is documented further.

> "The district's grouping policy leads to isolation of minority children in racially identifiable tracks or classes without any educational justification or demonstrable educational benefits .... (All ability grouping practices are not necessarily illegal. Nor does the mere fact that groups or classes are racially identifiable indicate that they are the result of discriminatory assignment practices. However, where there is no demonstrated or measurable educational justification for assignment practices which have a racial impact, such practices fail to conform to the nondiscrimination requirements of Title VI) (emphasis added). 274/

273/ Letter from OCR/Dallas to Superintendent of Beeville ISD, Feb. 17, 1971.

274/ Letter from OCR/Chicago to Superintendent of East Chicago School District, June 9, 1972.

The East Chicago letter goes on to report OCR's conclusions regarding the district's alleged justifications:

> Students are assigned to groups on the basis of arbitrary and subjective criteria which do not reflect the real learning ability of the students. In addition, students remain in these groups for all academic subjects.
>
> ...the district...has not designed a special curriculum for each group, but has instead offered the same materials to all students and directed that each group complete them at a different rate of speed. Because of this instructional approach, students in lower groups are prevented from moving into higher ones, regardless of any actual improvement in their learning capability or potential, since they do not cover as much material as their peers in the upper groups...
>
> The district offers no evidence that its current educational approach...has succeeded in meeting the educational needs of minority students. 275/

The fifth general area for which districts have been cited for noncompliance is the district's failure to "effectively involve" the parents of Spanish surnamed students. Thirteen of the 28 districts were found to be in violation on this point. 276/ Most of the districts were cited specifically for not providing notices, letters, etc., in the Spanish language to non-English speaking parents of Spanish surnamed students or for not maintaining a bilingual staff to communicate with parents. In other cases, districts were not specifically cited for noncompliance on this point but simply advised that "effective involvement of the parents of Mexican American students should, in accordance with the May 25 memorandum, receive your special attention."

275/ OCR/Chicago letter, June 9, 1972.

276/ Ozona, Bishop, Rotan, Beeville, San Marcos, Pawnee, La Feria, Santa Maria, Uvalde, East Chicago, Garden City, Holcomb, and Tucson.

The sixth general area for which districts were found in violation of Title VI was in the maintenance of ethnically identifiable schools. 277/ Fourteen of the 28 districts were cited for using student assignment practices such as zoning or transfer policies which directly caused one or more schools in the districts to continue to be identified as Mexican American or minority schools. 278/

In addition to student assignment practices, teacher assignment practices were also cited as contributing to the maintenance of ethnically identifiable schools. 279/ The assignment of Mexican American teachers to Mexican American schools in disproportionately high numbers was found to be

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277/ Although this type of violation is considered a "traditional" Title VI violation, rather than an "equal educational services" violation, it was found to be occuring in conjunction with one or more of the other types of violations discussed.

278/ Ozona, Bishop, Beeville, San Marcos, Weslaco, Fort Stockton, Taft, La Feria, Harlingen, Eagle Pass, Winslow, Uvalde, Tempe, and Hobbs.

279/ A Jan. 14, 1971, OCR memorandum explaining Title VI requirements in elementary and secondary school staffing practices states as follows: "School districts that have in the past had a dual school system are required by current law to assign staff so that each school is substantially the same as the ratio through the school district. This is the so-called Singleton rule, enunciated by the Court of Appeals for the Fifth Circuit in January 1970. Singleton v. Jackson 419F 2d. 1211 (5th Cir. 1970) cert. den. 402 U.S. 944 (1970). The same rule applies to nonteaching staff who work with children. Even though a school district has not in the past operated an official dual system of schools, its statistical reports may nonetheless indicate a pattern of assigning staff of a particular race or ethnic group to particular schools. If it is determined that assignments have been discriminatory, the school district will be requested to assign teachers so as to correct the discriminatory pattern."

occuring in 10 of the 28 districts.[280] Further, five districts[281] were cited for having inferior facilities at the minority school in comparison to the majority school.

Evaluation of Compliance Reviews

As noted earlier, in the 3 years since the issuance of the May 25 memorandum, OCR reviews have shown a marked development in scope and content. The comprehensiveness of their approach and the techniques used to conduct them have proved sufficiently broad to include all types of school programs and practices which work to deny equal opportunity. In addition, OCR has developed techniques which have helped to document the "denial of benefits" f the educational programs to Chicano students.

However, the imp ed quality of the reviews is overshadowed by their small number. To date HEW has completed reviews of only 30 districts, with an additional 23 currently under review to determine compliance with the provision concerning equal educational services to minority students[282] Most of these reviews focused on the educational needs of Chicano students, largely ignoring the needs of other ethnic and racial groups. Moreover, this scant number of districts cited for noncompliance

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280 / Weslaco, Fort Stockton, El Paso, Taft, Tempe, Uvalde, La Feria, Hobbs, Harlingen, Eagle Pass.

281 / Ozona, Bishop, Beeville, Fort Stockton, Winslow.

282 / As of Feb. 1, 1973.

is only a small fraction of all the school systems whose education programs systematically fail the children of minorities. 283/

A major factor controlling the number of reviews is manpower. Obviously a professional staff of only 13 persons in the Dallas office cannot properly review all the districts for which noncompliance complaints have been received. 284/ Even though OCR has recently hired a number of additional staff it is not likely that the number of Title VI reviews will increase noticeably, since the main function of the new staff will be to conduct ESAA reviews. Moreover, the larger districts, such as El Paso, require greater numbers of personnel and more time. Only a very few of the larger districts with a high percentage of Chicanos have been reveiwed. Thus, if HEW's Title VI enforcement effort in the area of equal educational services is to have an important impact, there must be a substantial increase in the number of staff conducting the reviews.

283/ For example, in regard to Chicanos the Commission found in its 1969 survey that there was widespread need in the schools of the Southwest for language programs. Yet survey data indicated that in more than 500 districts of this region, 10 percent or more Mexican American, only 6.5 percent of the schools had bilingual programs. Less than 3 percent of all Chicano pupils in these districts were reached by these programs. See Excluded Student, p. 22.

284/ Interestingly enough, the San Francisco office with 17 professionals as of February 1973 had completed reviews of only three school districts: Tempe, Winslow, and Tucson, Ariz.

Methods of Enforcement

Three basic methods are available to OCR to enforce compliance with HEW's Title VI regulations governing equal educational service: voluntary negotiations, administrative proceedings, and litigation. OCR has not referred a single district to the Department of Justice for litigation on the issue of equal educational services. Only 14 of the total of 30 districts reviewed have negotiated plans. OCR is still attempting to negotiate with 13 of the remaining 16 districts. The other three have refused to negotiate; two of these districts are currently involved in administrative proceedings.[285/]

Voluntary Negotiations

1. Districts with Negotiated Plans

An examination of the 14 compliance plans[286/] negotiated in the nearly 3 years since the May 25 memorandum was issued suggests the progressive development of a more comprehensive and detailed process adhering to increasingly higher standards. The seven cases[287/] negotiated prior to the submission of the Beeville plan in August 1971 were less detailed and

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285/ See Table 14, p. 147.

286/ All of these compliance plans were negotiated by OCR/Dallas.

287/ The early reviews included: Ozona, Bishop, Los Fresnos, Sierra Blanca, Lockhart, San Marcos, and Carney Rural.

less specific than those made after that date. During this period OCR was less firm in its requirements. Often OCR considered a district to be in compliance with Title VI if it simply promised "to seek consultation or advice concerning bilingual education, 288/ or agreed to do research on bilingual education. 289/

Similarly with regard to the hiring of Mexican American staff, vaguely worded commitments were accepted by OCR. For example, a school district that had 64 teachers, none of whom were Chicanos, was considered in compliance when it agreed to "recruit qualified Mexican American personnel to fill vacancies on the staff " and to visit colleges and universities with a high concentration of Mexican American students. 290/ None of the plans negotiated before August 1971, in contrast to those negotiated after that date, included goals and timetables for hiring Chicano teachers.

Among the early reviews, OCR's record in obtaining compliance through negotiation was better when concerned with pupil assignment and the elimination of etnnically identifiable schools. Usually districts cited for this violation were required to be specific in spelling out corrective

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288/ Letter from OCR/Dallas to Superintendent,Ozona ISD, June 15, 1970.

289/ Letter from OCR/Dallas to Superintendent,Bishop ISD, Aug. 25, 1970.

290/ Letter to Ozona ISD, June 15, 1970.

action, outlining the type of student assignment plan, zoning changes, or transfer policies that were to be implemented. 291/ However, in one instance involving a school district that was operating an identifiable Mexican American school, OCR accepted a plan that promised only to develop "a transfer policy which would help maintain a level of ethnic balance." 292/

Of the seven compliance plans accepted since August 1971, four are considered "Comprehensive Educational Plans" by OCR/Dallas. Included in this category are those of Beeville, Socorro, El Paso, and Santa Maria Independent School Districts. Such plans have generally incorporated detailed responses to the three basic propositions included in the Manual for Conducting Equal Educational Services Reviews. 293/

The comprehensive plan from the Socorro ISD, for example, includes the following items:

291/ However, without the specific information regarding school boundaries, school ethnic composition, etc., it is not possible to evaluate whether these steps, in fact, resulted in the elimination of ethnically identifiable schools.

292/ Letter from OCR/Dallas to Superintendent of San Marcos ISD, June 23, 1971.

293/ Briefly, the three basic propositions which place minority students at a disadvantage are: (1) their different linguistic and cultural backgrounds affecting their ability to speak and understand English; (2) the failure of the district to take affirmative action; (3) exclusion of minority students from effective participation in the educational program. For more details concerning kinds of data sought, see pp. 151 and 154 of this report.

1) Introduction of an innovative language arts program utilizing Spanish and English including ESL and Spanish as a second language classes, kindergarten through the 6th grade

2) Employment of bilingual aides particularly at the primary level, but also in the upper grades

3) An attempt to develop a bilingual, bicultural curriculum

4) Attendance of four teachers from Socorro Elementary School to receive bilingual inservice training in El Paso

5) Encouragement of parental participation in all school functions

6) Purchasing and utilization of books written in Spanish that reflect the culture of the Mexican American child in the Southwest. Use of texts written in Spanish appropriate for the bilingual child

7) Adoption of an affirmative recruitment program to increase the number of qualified, bilingual, bicultural teachers

8) Use of tests in Spanish to affect changes in placement in Special Education classes. 294/

Generally, plans accepted in the last 18 months have been more detailed, while the negotiation process itself has been shortened. 295/ OCR has been able to secure more specific commitments in terms of such elements as the types of language programs to be implemented, goals for staff development, and procedures to assure nondiscriminatory assignment

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294/ Letter from Superintendent of Socorro ISD to OCR/Dallas, Dec. 13, 1972.

295/ There have been important exceptions especially in the negotiations.

of minority students to EMR classes. At the same time it has had continued difficulties in getting specific commitments on the hiring of Mexican American teachers.[296]

2. Districts Negotiating or Expected to Negotiate Plans

Thirteen districts are either negotiating compliance plans or are expected to negotiate with various OCR field officies.[297] Of the 13 districts, Rotan ISD and Taft ISD in Texas illustrate some of the problems encountered by OCR in attempting to obtain compliance over an extended period of negotiations with school districts.

The Rotan ISD was originally informed in January 1971 that the district was in violation of Title VI because: (1) race, color, and national origin had been factors in hiring personnel and nonprofessional staff (the district had never hired a Chicano teacher); (2) programs had never

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296/ Two important exceptions to this are Weslaco and El Paso. Weslaco, which had been cited for having only 27 percent Mexican American teachers in a district 86 percent Mexican American, committed itself to having 40 percent of its teachers Mexican American by September 1971 and 50 percent by May 1973. El Paso, with 54 percent Mexican American student enrollment, committed itself to increasing the proportion of Mexican American teachers from 29 percent to 50 percent over a five-year period. No other districts made such specific commitments.

297/ Thus, as of Feb. 1, 1973, OCR/Dallas was negotiating with: Rotan, Taft, Eagle Pass, Harlingen, and La Feria, Tex., and Hobbs, N.Mex.; OCR/San Francisco: Tempe, Tucson, and Winslow, Ariz.; OCR/Chicago: East Chicago, Ind., and Shawano, Wis.; OCR/Kansas City: Garden City and Holcomb, Kans.

been provided to help minority students overcome language and cultural barriers to equal educational opportunity; (3) the use of Spanish was discouraged on the campus, and; (4) lines of communication were not maintained to the minority community. 298/

In March 1971 the district replied by outlining a plan which, at least in part, promised elimination of the violations. OCR found this compliance plan adequate to meet the requirements of Title VI. 299/

A subsequent visit to Rotan in early 1972, however, revealed that the district had not implemented the plan. The district claimed it had been unable to obtain technical assistance from the Texas Education Agency to help it overcome the barriers of language and culture to equal educational opportunity for all its students. They also stated that they had been unsuccessful in their attempts to recruit and employ minority and/or bilingual professional and nonprofessional personnel. Thus, the district's status reverted to one of noncompliance with Title VI of the Civil Rights Act of 1964. 300/ Further communication between OCR and the district in March and April 1972 failed to bring the district into compliance. At that time OCR indicated that it would hold in abeyance any further action until members of its staff once again visited the district. 301/ As of February 1973, 2 years after the initial letter of notification, no further action had been taken by OCR.

298/ Letter from OCR/Dallas to Superintendent, Rotan ISD, Jan. 8, 1971.

299/ Letter from OCR/Dallas to Superintendent, Rotan ISD, Mar. 29, 1971.

300/ Letter from OCR/Dallas to Superintendent, Rotan ISD, Feb. 25, 1972.

301/ Letter from OCR/Dallas to Superintendent, Rotan ISD, Apr. 21, 1972.

The Taft ISD, a district 73 percent Mexican American, 23 percent Anglo, and 4 percent black, was originally notified it was in noncompliance under Title VI and the May 25 memorandum by OCR/Dallas in August 1971. The district was found in violation of the law because it: (1) maintained an elementary school that was nearly 100 percent Chicano; (2) used grouping techniques that resulted in many classes being composed almost entirely of Mexican Americans; (3) had EMR classes with an overrepresentation of Chicanos; (4) lacked bilingual or bicultural programs even though Spanish was the first language for most of its students; (5) had an underrepresentation of Mexican Americans on the professional staff. 302/ Although OCR/Dallas acknowledged that the Taft response showed willingness to comply in some areas, the district remained in noncompliance because it failed to submit a plan that addressed itself to all violations noted by OCR in its on site reviews. 303/ The district and OCR continued to negotiate for the next few months, with the district seeking technical assistance from the Texas Education Agency for hiring teachers and aides. OCR conducted an on site visit to gather additional information in February 1972; however, one year later in February 1973, the data from the on site visit had not yet been analyzed and no further action had been taken against the district. 304/

302/ Letter from OCR/Dallas to Superintendent of Taft ISD, Aug. 12, 1971.

303/ Letter from OCR/Dallas to Superintendent of Taft ISD, Nov. 10, 1971.

304/ Letter from Patricia A. King, Feb. 23, 1973.

The experience of OCR/Dallas in Taft and Rotan demonstrates how complex, time-consuming, and frustrating negotiation for compliance can be. 305/ It also reflects OCR reluctance to initiate administrative proceedings that could lead to a termination of funds.

Administrative Proceedings

OCR has initiated administrative proceedings against only two districts on the grounds of denial of equal educational services: Uvalde, Texas, and Boston, Massachusetts. Both had flatly refused to negotiate compliance plans. A third district which also has declined to negotiate, Karnes City, Texas, has not yet had administrative proceedings taken against it.

Of the two districts against which OCR has initiated administrative proceedings, only the Uvalde ISD involves Chicano students. 306/ The district was notified of noncompliance with Title VI in a letter from OCR/Dallas, June 15, 1971, because of the following alleged violations:

305/ Delays in the negotiation process are not always due to the reluctance of districts to submit acceptable plans. It is sometimes the case that a district lacks the expertise to develop the type of plan required by HEW. In these cases the availability of technical assistance would make it possible for a district to develop and submit an acceptable plan in a much shorter time period and also relieve regional OCR staff to conduct more reviews.

306/ The Boston case involves among other issues, the failure to enroll Puerto Ricans in the educational system. Administrative proceedings were filed against Boston Public Schools in June 1972. Because the case does not include denial of equal educational services to Mexican American students, it is beyond the scope of this report.

1. Maintenance of ethnically identifiable schools although district is evenly balanced between Mexican Americans and Anglos. This includes a disproportionate assignment of the Mexican American teachers to the Mexican American school.

2. Failure to recruit and hire Mexican American teachers. Only 9 percent of the teachers are Mexican American

3. An undue concentration of pupils placed in special education classes for the educable mentally retarded (88 percent Mexican American) on the basis of criteria which essentially measure English language skills

4. Failure to provide an equally effective educational program to Mexican American students by not providing appropriate language and cultural components to the curriculum

5. An overrepresentation of Mexican American students in the lowest grouping of junior high school students (75 percent) and in the noncollege bound high school groups (52 percent)

6. Fostering ethnic imbalance in two school districts by allowing a large number of Anglo students enrolled in nearby Crystal City ISD to transfer into Uvalde ISD. 307/

The district failed to take action that would bring it into compliance, refusing to accept help from OCR in obtaining technical assistance or establishing a program for students who are linguistically and culturally different. 308/ The case was referred to Washington by OCR/Dallas in July 1971. In July 1972, OCR/Washington notified the district that the matter was being referred to HEW's Office of General Counsel, "with a request that administrative enforcement proceedings be initiated." 309/

307/ In 1968, Crystal City had an enrollment that was approximately 87% Chicano. The figures were obtained from the Directory of Public Elementary and Secondary Schools, Fall 1968, p. 1506

308/ Letter from Uvalde ISD to OCR/Dallas, July 2, 1971.

309/ Letter from OCR/Washington to Superintendent, Uvalde ISD, July 6, 1972.

In all there was a delay of one year from the time the case was referred to Washington until the date on which the district was sent a notice of opportunity for a hearing. The hearing was held in November 1972 and a decision was still being awaited as of February 1973.

Although the Karnes City ISD has been in obvious violation for a protracted period, OCR has delayed undertaking administrative proceedings against the district. Karnes City was notified of noncompliance in June 1971, [310] refused to negotiate and was referred to Washington with a recommendation for enforcement action in September 1971. [311] The Washington Office of General Counsel delayed action on administrative proceedings on the case so long that it had to be returned to the Dallas regional office in order to update the data. In February 1973 this additional data was in the process of being analyzed, a delay of nearly 18 months in initiating administrative action by the Washington office.

Until the issuance of the National Origin-Minority Memorandum on May 25, 1970, OCR/HEW paid little attention to the educational problems of Chicano children. Until that time the major focus of OCR was almost

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310/ Letter from OCR/Dallas to Superintendent, Karnes City ISD, June 15, 1971.

311/ Letter from Patricia A. King, Feb. 23, 1973.

exclusively the illegal segregation of minority students (primarily blacks). The May 25 memorandum was a first step, concentrating on development of new enforcement techniques needed to secure the right of minority children whose first language was other than English to equal educational opportunity. In specifics, however, it was not comprehensive enough to encompass all aspects of a school's program which deny a Chicano equal educational opportunity. Thus, very early there developed a need for a more specific policy.

In the 3 years since issuance of the memorandum the concept of "equal educational services" has evolved mainly as a result of the compliance reviews that have been conducted which concern Mexican American and other minority groups. Particularly during the last year and a half the quality of reviews and negotiated plans has improved substantially so that some of the later ones have become comprehensive. The plans have sought to implement a comprehensive educational program providing truly bilingual, bicultural educational programs in which the learning, motivation, and communication styles of children are carefully identified. Although the quality of the reviews and negotiated plans has vastly improved, their number is still small. In the past 3 years reviews have been completed on only 30 districts nationwide (most reviews concerned Chicano students); however, if OCR continues to expand its staff as planned, this rate of review should accelerate rapidly.

The methods used to enforce compliance with Title VI in the provision of equal educational services are inadequate. By and large OCR has relied much too heavily on voluntary negotiations. Many of these negotiations have been very protracted, some lasting as long as 18 months. Further, many of the early plans were of poor quality. Half of those completed were abbreviated, lacking in detail, and not very specific. Often they did not require a district to commit itself to particular actions. Only four of those plans could be called "comprehensive."

The administrative proceedings from Washington have been subject to great delay. It took OCR/Washington one year to begin action against Uvalde, Texas, after the Washington office received the case. Nor is there evidence that OCR urged judicial authorities to take further action against the district.

Overall, it would appear that HEW has sufficient leverage through the provisions of Title VI and the May 25 memorandum to accomplish the goal of obtaining the compliance of districts to provide equal educational opportunity for Chicano students. Nevertheless, to date the implementation of this leverage has been largely unrealized, as a result of HEW's failure to take sufficiently forceful action against districts found in noncompliance with the equal educational services provisions of Title VI and the failure of OCR to hire enough staff to carry out the Title VI mandate.

CHAPTER VII

CONCLUSIONS

In this report, the Commission has attempted to identify specific conditions and practices that bear on the failure of schools in the Southwest to provide equal educational opportunity to Mexican American students. The specific areas selected for inquiry were: curriculum; school policies on grade retention, ability grouping and placement in classes for educable mentally retarded; teacher training; and counseling. In each of these areas the Commission has documented the inadequacies of the schools and their lack of concern for Mexican American children, who represent nearly 20 percent of the school enrollment in the Southwest. In addition, this report examined the actions of the Federal Government to see what sort of efforts had been made under Title VI of the 1964 Civil Rights Act to assure equal educational services for Chicanos.

The findings of this report reflect more than inadequacies regarding the specific conditions and practices examined. They reflect a systematic failure of the educational process, which not only ignores the educational needs of Chicano students but also suppresses their culture and stifles their hopes and ambitions. In a very real sense, the Chicano is the excluded student.

The process of exclusion is complex. Each component is strong in its own right, but in combination they create a situation which almost inevitably leads to educational failure of Mexican American students.

The process involves not only the schools themselves, but all other agencies and institutions that make decisions upon public education in the Southwest--decisions regarding who will teach, what will be taught, and how it will be taught.

Mexican American children, like all children, enter school already having acquired considerable knowledge and skills. Learning does not commence when children begin school, but much earlier. By the time children enter school they have learned a language; they have absorbed a culture, and they have gained a sense of values and tradition from their families and communities.

Entrance into public school brings about an abrupt change for all children, but for many Mexican American children the change is often shattering. The knowledge and skills they have gained in their early years are regarded as valueless in the world of the schools. The language which most Chicano children have learned--Spanish--is not the language of the school and is either ignored or actively suppressed. Even when the Spanish language is deemed an acceptable medium of communication by the schools, the Chicano's particular dialect is often considered "substandard" or no language at all. English, a language in which many Chicano children are not fluent, is the exclusive language of instruction in most schools of the Southwest. Yet, with little or no assistance, Mexican American children are expected to master this language while competing on equal terms with their Anglo classmates.

The curriculum which the schools offer seldom includes items of particular relevance to Chicano children and often damages the

perception which Chicanos have gained of their culture and heritage. It is a curriculum developed by agencies and institutions from which Mexican Americans are almost entirely excluded.

Chicano children also are taught primarily by teachers who are Anglo. Generally, these teachers are uninformed on the culture that Chicanos bring to school and unfamiliar with the language they speak. The teachers themselves have been trained at institutions staffed almost entirely by Anglos, and their training and practice teaching do little to develop in them the skills necessary to teach Mexican American children.

Under these conditions Chicano children are more likely than their Anglo classmates to have problems in dealing with the alien school environment. Many need guidance and advice which school counselors are supposed to provide. But only rarely are Mexican American children able to find a Mexican American counselor to confide in or one with some understanding of their background. The overwhelming majority of counselors are Anglos, trained in Anglo dominated institutions. Training programs provide little to equip them to deal sensitively and effectively with Chicano children. Moreover, the ratio of students to counselors is so high as to preclude all but the most cursory and superficial guidance. Counselors have little alternative but to advise Mexican American children on the basis of information which many recognize as inadequate and even inaccurate.

These are among the conditions and practices which serve to insure poor performance by Chicano students. Widespread assignment practices

which purport to be educationally beneficial to students who are not "achieving " do little more than provide official recognition that Chicano children are failing and serve to exonerate the school from any blame. Thus, children who have not acquired sufficient mastery over the material at a particular grade level are retained in grade and separated from their promoted classmates. No special diagnosis of their problems or special help is provided. Rather, they are recycled through the same educational program that already has been proven inappropriate. Chicano children are retained in grade at more than twice the rate for Anglos.

Most of the schools in the Southwest practice some form of ability grouping--placement of students in classes based upon their perceived "ability." Although mobility between different ability groups is theoretically possible, in practice it seldom occurs. Once a child is placed in a low ability group class, he is unlikely to leave it. Chicano students are grossly overrepresented in low ability group classes and underrepresented in high ability group classes.

In some cases children are considered so deficient as to be incapable of functioning in normal classes. These children are placed in special classes for the educable mentally retarded. If it is difficult for a child placed in a low ability group class to move to a higher ability group, it is even more exceptional for a child assigned to a class for the educable mentally retarded ever to leave it. Chicano children are two and one-half times as likely as Anglos to be placed in such classes.

The criteria which govern decisions concerning these school practices necessarily work to the disadvantage of Chicano students, already severely handicapped by other school conditions and practices. Students are evaluated and assigned on the basis of the subjective judgment of teachers and counselors, nearly all of whom are Anglo, and the results of standardized tests, which carry a heavy Anglo middle class bias. A disproportionate number of Mexican American students are labeled failures and are placed in low ability groups, retained in grade, or assigned to classes for the educable mentally retarded. These practices have demonstrated their ineffectiveness as techniques to upgrade the quality of education for Mexican American students. They are, in effect, a poor substitute for the needed changes in educational programs that would accomplish this result.

The process described above represents a self-fulfilling prophecy. The educational system has established a set of conditions which greatly impedes the success of Chicano children:

* Chicanos are instructed in a language other than the one with which they are most familiar.

* The curriculum consists of textbooks and courses which ignore the Mexican American background and heritage.

* Chicanos are usually taught by teachers whose own culture and background are different and whose training leaves them ignorant and insensitive to the educational needs of Chicano students.

* And when Chicano pupils seek guidance from counselors they rarely can obtain it and even more rarely from a Mexican American counselor.

Having established the conditions that assure failure, the schools then judge the performance of Chicano children, and here also, the test is generally not a fair one.

Many Mexican Americans give up the unfair competition and drop out of school before graduation. Even of those who remain, most cannot perform at grade level. In effect, the schools have predicted failure and then, by their own actions, assured that this prediction comes true.

The process of cultural exclusion, by which the needs and rights of Mexican American students are largely ignored, carries over into the area of civil rights law enforcement. Title VI of the Civil Rights Act of 1964, which prohibits discrimination in any program or activity receiving Federal financial assistance, has been an effective instrument for combating some aspects of discrimination in public education. Under this law, the Department of Health, Education, and Welfare has attacked the problem of racial segregation in schools in the Deep South with some degree of success.

Until recently HEW ignored almost entirely the problem of the schools' denial of equal educational services to Chicano students in the Southwest. In recent years, the Department increasingly has turned its attention toward this problem and has established firmer requirements aimed at assuring equal educational opportunity for Chicanos. These efforts, however, remain far from adequate. Little in the way of HEW resources is devoted to the civil rights denials perpetrated against Mexican American students, and the Department has been slow to make use of its main enforcement weapon--termination of Federal financial assistance--even in cases

involving blatant violations. For purposes of Federal civil rights enforcement, as well as in all other aspects of their education, Mexican American students are still largely ignored.

To understand fully the dimensions of the educational problems facing Mexican Americans in the Southwest, assume that these problems did not affect only Mexican Americans, but all students generally.

- Forty percent of all students in the Southwest would fail to graduate from high school.
- Three of every five 12th graders in the Southwest would be reading below grade level.
- Sixteen percent of all students in the Southwest would be required to repeat the first grade for failure to perform at an acceptable academic level.

In the face of so massive a failure on the part of the educational establishment, drastic reforms would, without question, be instituted, and instituted swiftly. These are precisely the dimensions of the educational establishment's failure with respect to Mexican Americans. Yet little has been done to change the status quo--a status quo that has demonstrated its bankruptcy.

Not only has the educational establishment in the Southwest failed to make needed changes, it has failed to understand fully its inadequacies. The six reports of the Commission's Mexican American Education Study cite scores of instances in which the actions of individual school officials have reflected an attitude which blames educational failure on

Chicano children rather than on the inadequacies of the school program. Southwestern educators must begin not only to recognize the failure of the system in educating Chicano children, but to acknowledge that change must occur at all levels--from the policies set in the state legislatures to the educational environment created in individual classrooms.

FINDINGS AND RECOMMENDATIONS

The findings and recommendations that follow are addressed to the several institutions involved in the education decisionmaking process in the Southwest. These institutions have varying degrees of control and influence over this process, but each can play an important role in bringing about the changes necessary to provide equal educational opportunity to Chicano children. In combination, they can represent a powerful force for educational reform.

While the Federal Government has the least direct involvement in decisions on education, it can strongly influence those institutions which are more directly involved. Through firm enforcement of the constitutional and legislative requirements of equal educational opportunity and through the persuasive leverage of its programs of financial assistance for education, the Federal Government can significantly help bring about educational change in the Southwest.

The States play a more direct and authoritative role. The States have a constitutional responsibility to provide education to all students. Their broad authority over educational policy can serve as a strong force for instituting needed changes.

Institutions of higher education also play a key part. It is these institutions that educate the people who will enter the professions of teaching, counseling, and school administration; and these are the persons to whom we will entrust the education of our children. By involving Mexican

Americans as trainees and as staff members, and by gearing the training programs to equip graduates to teach and counsel Chicano children effectively, these institutions can significantly improve the education received by Mexican American students.

The institutions that have the most direct control over public education are the local school districts and schools. It is the local school district that sets the policy and disburses the bulk of the financial support for public education. It is the day-to-day decisions of local school officials and teachers that largely determine the quality of education the children will receive.

Thus, if necessary changes and educational reforms are to be effected, it will be largely through policies and practices instituted at the school and district level. The Commission, however, believes that the problems of unequal educational opportunity are of such magnitude and so widespread that it would be unwise to rely entirely on the good faith efforts of individual school districts to bring about the kind of uniform and comprehensive educational reform needed. Therefore, most of the recommendations that follow are addressed to the five Southwestern States and their respective education agencies and call for the full exercise of State authority. Other recommendations also call for a stronger Federal effort to assure equal educational opportunity in the Southwest.

The Commission wants it understood that in framing these recommendations it does not mean to suggest a mere passive role for local schools and school districts. It would be a serious mistake for local school officials to sit idly by awaiting action by the State or Federal Government. The Commission strongly recommends that local officials take immediate action on their own to meet the severe problems identified in this and earlier reports. A continued passive role by local schools and school districts is not only unwarranted but would represent an indefensible abdication of responsibility and a gross disservice to the children whose education has been entrusted to their care.

The recommendations are based on the findings of the Commission's research concerning the education of Mexican American students in the Southwest, and consequently are directed to the needs of these students. Findings in earlier reports in this series, however, clearly indicate that other minority group students in this region of the country are confronted with similar difficulties. Moreqver, other studies have demonstrated that similar problems of unequal educational opportunity affect both Chicanos and other minority group students throughout the Nation. Therefore, although these recommendations are addressed to changes regarding the education of Chicano students in the Southwest, many are applicable also to the education of other students with cultural and linguistic backgrounds different from those of Anglo students.

The recommendations that follow necessarily are numerous and detailed, and many relate to complex and highly technical issues. There are, however, three basic principles that relate to all of the specific recommendations which the Commission believes should govern educational reform for Chicano students.

1. The language, history, and culture of Mexican Americans should be incorporated as inherent and integral parts of the educational process.

2. Mexican Americans should be fully represented in decision-making positions that determine or influence educational policies and practices.

3. All levels of government - local, State, and Federal - should reorder their budget priorities to provide the funds needed to implement the recommendations enumerated in this chapter.

These three principles provide a focus for improving the education of Chicano students. The following recommendations supply specific suggestions for implementing these principles. Educators, political leaders, and community members will have to provide the leadership necessary to make the actual changes.

FINDINGS

I CURRICULUM

1. Information about the skills, abilities, and interests of Chicano students is not taken into consideration in developing curricula in Southwestern schools.
2. The Spanish language, and dialects of that language spoken in the Southwest, are excluded from the curricula of Southwestern schools.
3. Bilingual education programs, considered by many authorities to be the most beneficial curricular approach for educating Chicano children, reach a very small percentage of the Chicano student population in the Southwest.
    (a) Federal funding under Title VII supports programs for less than five percent of the Chicano students.
    (b) Though all of the five Southwestern States provide some funding for bilingual education, it is estimated that these State-funded programs reach less than two percent of the Chicano students in their respective States.
4. Textbooks used in the teaching of all courses in Southwestern schools either fail to make reference to Chicano culture, history, and participation in the development of the Southwest or distort and denigrate that history and culture.
5. Courses of special interest to Chicanos are offered to only a few students in a very few schools. Commission statistics indicate that Mexican American history courses and Chicano studies programs reach only 1.8 percent and 2.3 percent, respectively, of Chicano students in the Southwest.

6. The Federal Government has funded little research to develop innovative curricular programs for Chicanos.

7. Chicanos are grossly underrepresented among officials and staff members in State bodies affecting curricular decisions: legislatures, State boards of education, State superintendents of education, State departments of education, State textbook selection committees.

8. State education policymaking bodies have not taken affirmative steps to insure equal educational opportunity for Chicano students.

   (a) Four of the legislatures in the five Southwestern States have not required bilingual programs for Chicano students nor have they adequately funded any type of language program for Chicanos.

   (b) State boards and departments of education have failed to set statewide guidelines on the responsibilities of districts to provide equal educational services to Chicano children.

   (c) Textbook selection committees have continued to allow textbooks in Southwestern schools which distort and degrade the image of Chicanos.

9. Chicanos are underrepresented in positions affecting curriculum at the district level: superintendents, school board members, district professional staff including curriculum directors, and teaching staff.

10. Chicano parents are denied input into the development and review of curriculum and materials because:

   (a) Schools and districts in general do not solicit input from parents.

   (b) Schools further discourage Chicano parents' participation by failing to provide for language differences of parents in school board and PTA meetings and in school notices sent to parents.

II STUDENT ASSIGNMENT

A. Grade Retention

1 The rate of grade repetition in the Southwest is high; 10 percent of all first graders and more than two percent of all fourth graders are required to repeat these grades.

2 Chicano students are required to repeat grades more than twice as frequently as are Anglo students.

3 The practice of grade repetition in the elementary schools of the Southwest costs about $90 million annually.

4 Although educators who use grade repetition claim the practice aids students with serious academic deficiencies and those whose emotional development lags far behind their age peers, there is no sound research evidence to indicate that grade repetition is more beneficial for students with serious academic deficiencies or emotional immaturity than is promotion to the subsequent grade.

5 The little sound research available actually suggests that most students with serious academic difficulties will make more gains the following year if promoted than if required to repeat the grade.

(a) Under current practices neither promotion nor grade retention is an adequate remedy for students with serious academic difficulties; both practices usually leave the student lagging far behind his or her peers.

(b) Effective remedies are dependent on a thorough diagnosis of the students' difficulties and special help tailored to overcome those difficulties, but these services are seldom provided to the students who need them.

6 The diagnosis of emotional immaturity for purposes of grade retention is often done by teachers and principals, both of whom usually lack training for this task; even professional counselors or psychologists often are unprepared to make an informed and unbiased diagnosis of Chicano pupils' level of emotional development because of their lack of knowledge about the Chicano culture and inability to communicate clearly with Spanish speaking students and parents.

B. Ability Grouping

1 Approximately two-thirds of the schools in the Southwest practice some form of ability grouping.

2 Ability grouping is more prevalent in schools where a large proportion of the students are Mexican American.

3 Chicanos are overrepresented in low ability groups and underrepresented in high ability groups. Two and one-half times as many Chicanos are in low ability group classes as in high ability group classes; in contrast, twice as many Anglos are in high ability group classes as in low ability group classes.

4 Two general criteria are used to place students in groups -- standardized intelligence or achievement tests and staff recommendations, especially those of the teacher. Both of these methods exhibit language and cultural biases which tend to result in the channeling of Chicano pupils into lower ability groups.

5 Ability grouping results in poorer performance by low ability group students, owing partly to the lower expectations of the teacher, and consequently, poorer quality of instruction provided by the teacher.

6 While in theory students may move from one ability group to another from year to year, in reality little mobility occurs once the student is initially placed.

7 Available evidence indicates that students do not benefit psychologically from being placed in a low ability group.

8 Short-term grouping, based on thorough diagnosis and specific prescription for a course of studies, can be beneficial to a child. The goal of such grouping is to help the student in specific skill acquisition so that he or she can return to the regular classroom as quickly as possible.

C. Placement in EMR Classes

1 Chicanos are overrepresented in Educable Mentally Retarded (EMR) classes. In Texas and California, they are more than twice as likely as Anglos to be placed in these classes.

2 Arizona, Colorado, and New Mexico maintain no data on EMR enrollment by race or ethnic background.

3 Authorities agree that true mental retardation is manifested by impairments in both intellectual functioning and adaptive behavior. Yet, the second factor, the ability to adapt to one's environment, is generally ignored in the determination of mental retardation in the schools.

4 Many Chicano students placed in EMR classes are likely to be assigned on the basis of inaccurate evaluations.

(a) Adaptive behavior is not measured.

(b) IQ tests are inaccurate measures of intelligence for Chicanos.

(c) Teachers who make evaluations of the intelligence of Chicanos often have little understanding of Chicano culture and may be biased judges of a Chicano student's intelligence.

5 In attempting to measure intellectual functioning for placement of students in EMR classes, schools rely heavily on the results of IQ tests. However, these tests have been found to be invalid measures of Chicano intelligence because of their inherent linguistic and cultural bias.

6 Students often remain in EMR classes for years without reevaluation.

7 Because the level of instructional material is geared to a truly mentally retarded student, it is unlikely that a student who is placed in such a class and then returned to the regular classroom will have developed the skills necessary to compete in the regular classroom.

8 Of the five Southwestern States, only Arizona and California have recognized the need for parental approval for placement of their children in EMR classes.

III. TEACHER EDUCATION

1. Mexican Americans have disproportionately low representation in positions which control or influence teacher preparation programs. They are grossly underrepresented on the faculties of teacher education institutions in the Southwest, on the professional staffs of State departments of education in the Southwest, and among the professional employees of the U.S. Office of Education.

2. A very small percentage of the classroom teaching staff in the Southwest is Chicano and this percentage has barely increased in the last four years.

3. Although ethnic data on teacher trainees are not systematically maintained, the underrepresentation of Chicanos both as public school teachers and college students in the Southwest strongly suggests that Chicanos are severely underrepresented as teacher trainees.

4. Very few courses in teacher education institutions include material specifically focused on the background of Chicanos or culturally different students, or on the teaching skills which are particularly suited to these students' learning needs.

5. Teacher preparation programs seldom require trainees to take such courses as cultural anthropology, sociology, ethnic studies, or foreign languages, which would provide them with some understanding of culturally different children and a basis for communication with such children.

6. Trainees who will later be teaching Chicano youth are seldom afforded practice teaching experiences in schools with substantial numbers of these children.

7. The lack of material about Chicanos in teacher education courses and the trainees' lack of practice teaching experiences with Chicanos result in teacher trainees' not being adequately prepared to teach Chicano students effectively. This inadequacy has been evidenced by large and harmful disparities in the manner in which teachers instruct Chicano and Anglo students in the classroom setting.

IV. COUNSELING

1. In school districts of the Southwest 10 percent or more Mexican American, the overall pupil-counselor ratio is 1,123 to 1.

   (a) In elementary schools, in such districts, the ratio is 3,837 to 1.

   (b) In secondary schools the ratio is 468 to 1, almost double the ratio of 250 to 1 indicated as adequate by the American School Counselor Association (ASCA).

2. Only a small percentage (5.4 percent) of the counselors in these districts is Mexican American, whereas 28.5 percent of the student enrollment is Chicano.

3. In addition to a heavy student workload, counselors often are overburdened with clerical duties, making it difficult for them to devote sufficient time to advising students.

4. Frequently the guidance counselors provide is based on incomplete and inaccurate information obtained from the results of culturally biased achievement tests.

5. Reliance by counselors on the traditional one-to-one method of counseling limits the number of students with whom the counselor can work.

6. Chicanos are grossly underrepresented on the staffs of the various agencies and educational institutions that control or influence the training of counselors.

7. Although ethnic data on counselor trainees are not systematically maintained, the small percentages of all counselors and of all college students who are Chicano strongly suggest that Chicanos are severely underrepresented as counselor trainees.

8. Counselors, nearly all of whom are Anglo, fail to receive the appropriate training in colleges and universities that would enable them to work more effectively with Chicano students.

   (a) State certification requirements fail to ensure that counselors will receive training to enable them to work with minority pupils.

   (b) The curriculum at counselor training institutions fails to include courses relating to the language and culture of Chicanos.

   (c) Counselor trainees have little opportunity to work with Chicano students in performing practice counseling.

9. Three out of the five States in the Southwest require teaching experience as the basic requirement for entrance into counselor education despite the fact that other States have found such experience unnecessary.

V. TITLE VI

1. Until 1970 the efforts of the Department of Health, Education, and Welfare (HEW) to enforce the education provisions of Title VI of the 1964 Civil Rights Act were directed almost exclusively at attacking school segregation. Little attention was given to other forms of discrimination prohibited by Title VI; according to that law, the following types of discrimination also are prohibited in agencies receiving Federal aid:

> the denial of services; the provision of services in a different manner; and otherwise offering services and benefits in a manner which has the effect of defeating the purpose of the program with respect to particular individuals on the grounds of race, color, or national origin.

2. The National Origin Minority Memorandum of May 25, 1970, issued by the Office for Civil Rights (OCR) of HEW, which for the first time provided enforcement guidelines for securing the rights of minority students whose first language is other than English, was not sufficiently comprehensive to encompass all aspects of the denial of equal educational opportunity to Chicano students. Among the elements not included in the memorandum were:

   (a) Affirmative programs of recruitment and in-service training for teachers, counselors, and administrators.

   (b) Incorporation in the curriculum of courses which recognize and illustrate contributions made by minorities.

(c) Provision of bilingual personnel in schools and districts that have a substantial Spanish speaking enrollment.

3. Recent OCR compliance reviews of schools in the Southwest have involved more complex investigative procedures than earlier ones, seeking to document the lack of equal educational services by reference to three basic facts:

(a) Minority students enter school with different linguistic and/or cultural backgrounds, which directly affect their ability to speak and understand the standard English language of the school environment.

(b) The school district has failed to take effective affirmative action to equalize access of minority students to full benefits of the educational program.

(c) Minority students are excluded from effective participation in the educational program as a result of possessing nonstandard English language skills or primary language skills in another language.

4. Despite OCR's comparative success in development of a comprehensive method of determining the denial of equal educational services, weaknesses remain in enforcement and implementation of the law.

(a) Largely because of inadequate manpower in the regional offices, relatively few compliance reviews have been completed since issuance of the May 25, 1970, memorandum, and it is not likely that the number will increase substantially in the near future.

(b) School districts in most instances have not obtained needed technical assistance to help them develop compliance plans for meeting the requirements of Title VI.

(c) The methods used to enforce compliance in the area of equal educational services are inadequate because:

(1) Undue reliance has been placed on voluntary negotiations, many of which have been protracted.

(2) Administrative enforcement proceedings leading to fund termination rarely have been instituted and in no case have funds actually been cut off.

(3) HEW/OCR does not perform timely and regular monitoring of districts whose plans have been accepted to determine if, in fact, they are implementing the provisions of the plan.

5. OCR/HEW has failed to assess systematically the compliance status of all school districts with regard to the equal educational services provisions of Title VI. Instead, compliance reviews have been limited only to a number of districts selected from among those against which OCR has received complaints.

6. In its annual elementary and secondary school survey HEW/OCR does not fully collect the types of information from districts and schools which would be indicative of the denial of equal educational services to minority students.

7. OCR/HEW has failed to provide school districts and the public with updated printed material describing its official policies for compliance with the equal educational services provisions of Title VI.

RECOMMENDATIONS

I. CURRICULUM

1. State departments of education [312] in each of the five Southwestern States should establish requirements aimed at assuring that the individual interests, language, and learning skills of Mexican American children are given adequate attention and consideration in the curriculum and instructional materials used by local school districts. These requirements should include:

   (a) All curriculum and instructional materials must incorporate the history, language, and culture of Chicanos in the Southwest, in the State, and in the local community.

   (b) Courses of special interest to Chicano students, such as Mexican American history and Chicano studies, must be offered on a regular basis to all students.

   (c) Formal and informal rules prohibiting the speaking of Spanish in the classroom or on school grounds must be eliminated.

   (d) Mechanisms must be established to facilitate participation of Chicano pupils, parents, and community members in development of curriculum and instructional materials.

   (e) School districts with substantial numbers of Spanish speaking parents must provide concurrent translations of PTA and school board meetings so as to facilitate full participation of all parents in discussions and decisions.

312/ Some recommendations in this report which are directed to State departments of education may, in specific States, more directly involve the jurisdiction of the State board of education. In such cases, the recommendations should be construed as directed to those boards.

(f) Schools and school districts with substantial numbers of children of Spanish speaking parents must send notices home in Spanish as well as English.

(g) School districts must establish numerical goals and timetables for securing equitable Chicano representation in staff positions involving the selection and implementation of curriculum.

(h) Textbooks must reflect representative and accurate portrayals of Chicanos.

2. State departments of education should impose sanctions, including the cutoff of funds, against school districts which have violated the above requirements.

3. State departments of education should establish numerical goals and timetables for securing equitable representation in (a) staff positions involving the selection and development of curriculum and (b) on State textbook committees.

4. State legislatures should enact legislation requiring districts to establish bilingual education or other curricular approaches designed to impart English language skills to non-English speaking students while incorporating into the curriculum the children's native language, culture, and history. These programs should be instituted for each group of students whose primary language is other than English, and who constitute five percent of the enrollment or number more than 20 in a given school.

5. State legislators should enact legislation prohibiting at-large elections of school board members in all communities and require instead election from single member districts.

6. Congress should increase its support for Bilingual Education by increasing Federal appropriations for the program and by providing special funds specifically for needed research and development in this area.

7. The National Institute of Education should fund research to develop curricular programs designed to meet the educational needs of Chicano students.

II. STUDENT ASSIGNMENT

A. Grade Retention

1. State departments of education should develop requirements dealing with the two principal reasons given by schools for the practice of grade retention-- academic failure and emotional immaturity of students. These requirements should prohibit grade retention unless the following conditions are met:

   For Academic Failure

   (a) Resources are available to determine thoroughly why the previous educational program was ineffective for the student.

   (b) Resources are available to provide the retained student with full-time programs specifically tailored to meet his or her needs, interests, and existing skills and knowledge.

   (c) There is substantial evidence that the student will benefit more from these special programs on a full-time basis than from being promoted to the next grade and receiving special help only during the preceeding summer or on a part-time basis during the regular school year.

   For Emotional Immaturity

   (a) A State-licensed counselor, psychologist, or psychiatrist has recommended grade repetition after assessing the student's behavior in school, at home, and in the community.

   (b) In the case of a student who is Mexican American, the official making the recommendation must be knowledgeable about the Chicano culture.

(c) In the case of a student or parents who are primarily Spanish speaking, the professional making the recommendation must be fluent in the Spanish language.

2. State departments of education should impose appropriate sanctions, including fund cutoffs, against school districts in violation of these requirements.

3 The Office of Civil Rights, HEW, should use substantial differences in the rate of grade retention of various racial or ethnic groups of students as an indicator of unequal educational services.

B. Ability Grouping

1, State departments of education should prohibit the use of long-term ability grouping.

2. State departments of education should develop requirements for the use of short-term groups for specific learning needs. At a minimum they should require:

(a) That the size of classes be limited so that all pupils can receive individualized attention.

(b) That there be bilingual instruction for students whose primary language is not English, taught by a bilingual teacher who is also familiar with the cultural background of these students.

(c) That a definite time limit for these groups be established, not to exceed half the academic school year. Any extension must first be approved by the State department of education, based on a clear showing that additional time will directly benefit the students.

(d) That both students and parents know and understand the purpose for a student's placement in a particular group and the proposed time a student will remain in the group.

(e) That teachers who instruct a particular short-term group be specially trained in diagnosing and meeting the learning needs of students placed in these groups.

3. State departments of education should impose sanctions, including fund cutoff, on districts which are in violation of the requirements set forth in 1 and 2 above.

C. Placement in EMR Classes

1. Schools and districts should maintain Educable Mentally Retarded classes only for those children diagnosed as being severely deficient in both intellectual functioning and adaptation to home and school environments (adaptive behavior).

2. State departments of education should issue requirements for the placement of students in EMR classes, including:

   (a) That evaluation of a student include behavioral observation, home visitation, and interviews with parents and other community people so as to measure the student's ability to adapt to his or her environment.

   (b) That in the case of Spanish speaking students or parents, this evaluation be made by a school psychologist who speaks their language and is familiar with their cultural background.

   (c) That where there is no school psychologist who fulfills these requirements, another school staff member or community person who speaks the language and is familiar with the cultural background be used as an interpreter.

   (d) That any test which is used for Chicanos or other minorities be validated for that group of students.

   (e) That before placement occurs, a panel consisting of the school psychologist, other school personnel, and persons representing various segments of the community, including Chicanos, recommend placement for a student only after a thorough analysis of the evaluation by the school psychologist and other pertinent data.

   (f) That parents understand the reasons for the possibility of the placement of their child in an EMR class, that these reasons be in writing in the language most familiar to the parents, and that parents give their written approval for such placement prior to placement.

3. State departments of education should issue requirements for the operation of EMR classes, including:

   (a) That there be bilingual instruction for students whose first language is not English, taught by bilingual teachers.

   (b) That students in EMR classes be thoroughly reevaluated twice during the academic year to determine whether they need to remain in such a class.

   (c) That transitional classes be provided for those students who have been evaluated as no longer needing instruction in EMR classes. These classes should emphasize the basic skills of regular instruction and not last more than one year.

4. State departments of education should impose appropriate sanctions, including fund cutoff, on those districts which violate the above requirements.

5. State departments of education should set up a monitoring mechanism to determine, on a regular basis, whether school districts are in compliance with the above requirements.

6. State departments of education should require districts to report the number of students who are placed in EMR classes by ethnic group.

7. State departments of education should conduct compliance reviews of all districts which have an overrepresentation of Chicanos or other minorities in EMR classes for possible violations of the above requirements.

8. The National Institute of Education should provide funds for development of tests of adaptive behavior appropriate for different minority ethnic groups, including Chicanos.

III. TEACHER EDUCATION RECOMMENDATIONS

1. Teacher education institutions in the Southwest should incorporate information about Chicanos in each of their foundation courses and modify their methods courses to include the use of materials and techniques specifically designed for the background, interests, and life experiences of Chicanos. These courses should develop in all trainees:

    (a) An understanding and appreciation of the history, language, culture, and individual differences of Chicanos.

    (b) The ability to facilitate the fullest possible development of Chicano students' potential.

    (c) Skill in interacting positively with Chicano students and adults.

2. Teacher education institutions in the Southwest should assure that trainees perform a portion of their practice teaching in schools with Chicano students, and under the supervision of teachers and professors who have demonstrated skill in teaching Chicano as well as Anglo students.

3. Teacher education institutions should actively recruit additional Chicano trainees, establishing numerical goals and timetables for securing equitable Chicano representation.

4. Teacher education institutions should actively recruit more Chicano staff, establishing numerical goals and timetables for securing equitable Chicano representation.

5. School districts in the Southwest should establish a preference for the hiring of teachers who have had the type of preparation specified in recommendations 1 and 2.

6. School districts in the Southwest should update the teaching skills of present instructional staff by providing in-service training that incorporates the elements specified in recommendations 1 and 2.

7. State departments of education should modify teacher certification standards to require the type of teacher preparation specified in recommendations 1 and 2.

8. State departments of education should establish procedures to assess the language skills and cultural understanding of applicants for teaching certificates and should indicate on all certificates which linguistically and culturally different groups of students the certificate holder is qualified to teach.

9. State departments of education should issue requirements that districts with students whose primary language is not English must provide teachers who speak the student's language and understand their cultural background.

10. State departments of education should actively recruit more Chicanos, establishing numerical goals and timetables for securing equitable Chicano representation.

11. The U.S. Office of Education should actively recruit more Chicanos, establishing numerical goals and timetables for securing equitable Chicano representation.

IV. COUNSELING

1. Institutions which train counselors should actively recruit Chicanos as trainees and staff members, establishing numerical goals and timetables for securing equitable Chicano representation.

2. Institutions which train counselors should maintain data on the trainees' ethnic background to determine the representation of various ethnic groups and to provide needed information to school districts seeking increased minority representation on the counseling staffs of their schools.

3. Institutions which train counselors should actively recruit candidates who have previous experience in working with youth, community organizations, and social or welfare agencies.

4. Institutions which train counselors should emphasize the teaching of counseling techniques and methods other than the traditional one-to-one methods, such as group methods, and alternative forms of counseling, including peer group guidance and the use of paraprofessionals.

5. School districts should encourage counselors to use the above recommended techniques, new methods, and other promising alternative forms of counseling.

6. State departments of education should require school districts actively to recruit additional Chicano counselors, establishing numerical goals and timetables for securing equitable Chicano representation.

7. State departments of education should require school districts to recruit additional counselors to lower the pupil-counselor ratio to 250 to 1 in secondary schools, as recommended by the American School Counselor Association (ASCA).

8. ASCA should inform school officials and the public in general of the need and importance of counseling at the elementary level.

9. State departments of education should require all school districts that have an elementary enrollment to provide at least one counselor, on a half-time basis, in each elementary school.

10. State departments of education in all five Southwestern States should modify State certification requirements for counselors to insure that all counselors, before they are certified, receive instruction in the history, language, and culture of Chicanos.

11. State departments of education should issue regulations that require school districts and schools to provide counselors with sufficient clerical assistance to relieve them of time-consuming paperwork.

12. State departments of education should require that school districts with students whose primary language is not English provide counselors who speak the students' language and understand their cultural background.

    (a) State departments of education should establish procedures for assessing the language skills and cultural understanding of applicants for counseling certificates.

    (b) State departments of education should indicate on all counselors' certificates the cultural and linguistic groups of students the certificate holder is qualified to counsel.

13. The National Institute of Education should fund research to develop techniques which are specifically aimed at meeting the counseling and guidance needs of Chicano pupils. Findings from such research should be disseminated in all areas where Chicanos attend school.

V. TITLE VI

1. OCR should take the steps necessary to increase substantially the number of districts reviewed annually regarding the denial of equal educational services to Mexican American students.

   (a) HEW should increase the educational staff of each OCR regional office so as to facilitate prompt investigation of complaints alleging a denial of equal educational services and to make it possible to conduct routine reviews of all districts included under Title VI.

   (b) To reduce time-consuming delays in negotiations resulting from the districts' lack of expertise, HEW should provide funds for technical assistance to districts which have been found in noncompliance and which need help in developing compliance plans to provide equal educational services. OCR should require that all consultants who are to be paid with these funds must be approved by OCR.

2. OCR should expand the scope of data collection in its annual school surveys so to have a broad set of indicators of likely denial of equal educational services to minority students. At a minimum, the additional data collected should include for each school:

   (a) The race or ethnicity of students placed in EMR classes.

   (b) Percentage of students entering school by race or ethnicity whose home language is not English.

   (c) Estimates of student achievement levels by race or ethnicity for the third and sixth grades.

(d) The number of student hours per week in each grade spent on instruction conducted in a language other than English (excluding the specific teaching of foreign languages).

3. OCR should establish specific standards for evaluating the survey data collected to determine which districts should be subject to compliance reviews.

4. OCR should make greater use of the sanction of fund termination against districts which fail to negotiate or implement a voluntary compliance within specified time limits.

5. OCR should provide for prompt follow-up reviews of each district whose compliance plan has been accepted and subsequent regular monitoring to assure that the plan is being fully implemented.

6. OCR should produce updated printed materials on its official policies for compliance with the equal educational services provisions of Title VI and disseminate these to all districts and to the general public. OCR should require districts to make these official OCR policy materials available to the public upon request.

APPENDIX A

METHODOLOGY OF DISTRICT SURVEY

To obtain information regarding decisionmaking and special programs at the local level, the Commission selected randomly five districts within each of the five Southwestern States. The sampling universe consisted of all districts which responded to the Commission mail survey of 1969. Calls were made from March 12-14, 1973, to the curriculum director, superintendent, assistant superintendent in charge of instruction, or other persons knowledgeable about the areas of inquiry in each of the selected districts.

Regarding decisionmaking, the Commission sought data on:

1) ethnicity of person responsible for curriculum development;
2) ethnicity of school board members;
3) community involvement in curriculum development;
4) process of textbook selection;
5) ethnicity of textbook committees; and
6) community input into textbook selection.

Contacts at the district level were asked the following questions regarding bilingual education:

1) Do you have a bilingual education program?
2) What is the ethnicity of the director(s)?
3) Is there a community board for the program?
4) Is there specific training for teachers?
5) By whom is it funded?
6) How many students are enrolled?

The same questions were asked about English as a Second Language programs. Districts were also asked if they had special courses in Mexican or Mexican American history, or other Chicano studies courses, and, if so, how many students were enrolled.

The Commission also gathered data on the total number of students and teachers and the number of Mexican American students and teachers in each of the 25 districts. This information came from the Fall 1972 Racial and Ethnic Survey conducted by the Office of Civil Rights of the Department of Health, Education, and Welfare. When fall 1972 data were not available for a particular district, the most recent information available was recorded.

Districts Surveyed

ARIZONA

Avondale School District #44
Mesa Public Schools
Roosevelt School District #66
Ray Elementary School District #3
Stanfield School District #24

CALIFORNIA

Lemoore Union School District
Alhambra City School District
Hawthorne Elementary School District
Whittier Union High School District
Oceanside Unified School District

COLORADO

East Otero School District #R-1
Holly School District RE-3
Adams County School District #14
School District #1 City & County of Denver
RE-7 (Weld County)

NEW MEXICO

Clovis Municipal School District #1
Aztec Municipal School District #2
Lovington Municipal School District
Mountainair Public Schools - District #13
Los Lunas School District #1

TEXAS

Benavides Independent School District
Edinburg Consolidated School District
Victoria Independent School District
Raymondville Independent School District
Plains Independent School District

APPENDIX B

THE COST OF GRADE RETENTION

The cost of grade retention was estimated for each State in the Southwest for grades 1 through 6 by multiplying three factors: the rate of grade retention, the number of students enrolled in elementary school, and the average cost of educating each pupil. The results were summed to give an estimate for the whole Southwest.

No statistics could be found on the rates of grade retention in the Southwest other than the Commission's own data. This data was collected only for the first and fourth grades in a sample of schools in the Southwest from districts 10 percent or more Mexican American. The rate of retention in these schools was 9.7 percent in the first grade and 2.13 percent in the fourth grade. The rate of fourth grade retention in each state was used as the average rate of grades 1 through 6 in the respective States.[313/] The actual average rate for grades 1 through 6 is probably higher, unless the rates for grades 2, 3, 5, and 6 are substantially less than for grade 4, which is not likely. Consequently, the estimate of the cost of grade retention given in the text is probably less than the actual figure.

The number of students enrolled in elementary schools is reported by each State.[314/] The average cost of education each pupil is also reported

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313/ The fourth grade rates of retention for each of the Southwestern States were: .013386 for Arizona, .016043 for California, .010569 for Colorado, .024231 for New Mexico, and .034300 for Texas.

314/ The 1971 elementary school enrollments in the Southwestern States were: 300,000 for Arizona, 2,822,000 for California, 303,000 for Colorado, 151,000 for New Mexico and 1,555,000 for Texas. 1973 World Almanac (New York: Newspaper Enterprise Association, 1973), p. 335.

by each State.[315] Although data are not broken down separately for elementary and secondary schools, it is known that secondary education is generally more expensive than elementary education because facilities (such as language and science laboratories, machine shops, and gymnasiums) are more costly and teacher salaries are higher. Even though data on the magnitude of the differences in costs between elementary and secondary schools are not available for the five Southwestern States, there are data on the differences in the average salary of elementary and secondary school teachers for each State. These differences vary from zero to 10 percent for the Southwestern States and average about 5 percent.[316] The difference in the cost of facilities may be substantially greater, but teachers' salaries constitute about 50 percent of total per pupil expenditure.[317] For the purpose of these estimates, it was assumed

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315/ The total expenditures per pupil in the Southwest in 1971 were: $985 for Arizona, $1,060 for California, $902 for Colorado, $912 for New Mexico, and $775 for Texas. (1973 World Almanac, p. 334.)

316/ Calculated from data in Estimates of School Statistics, 1972-73 Research Report R 12, (Washington, D.C.: National Education Association, 1973), pp. 30-31.

317/ Calculated from data in U.S. Department of HEW, Statistics of State School Systems 1967-68 (Washington, D.C.: GPO, 1970), pp. 52, 56.

that the average total expenditure per elementary pupil in each state is 90 percent of the average for all students. This is equivalent to saying that the average total expenditure for high school students is about 25 percent greater than for elementary students. 318/

318/ If the cost per elementary student is assumed to be 90 percent of the average cost for all students, then the cost per high school pupil is calculated by solving for X in the formula:

$$\frac{5{,}131{,}000. \ .90 + 3{,}621{,}000. \ X}{5{,}131{,}000 + 3{,}621{,}000} = 1.00$$

where 5,131,000 + 3,621,000 are the number of elementary and secondary school pupils in the Southwest. The solution yields X = 1.14 and this is 25 percent greater than .90. Since teachers' salaries constitute 50 percent of total expenditures and are only about 5 percent higher in high school than in elementary school, the assumption that elementary per pupil costs are 90 percent of that for all students presumes that expenses except for teachers' salaries are about 47 percent greater in high schools than elementary schools (because $\frac{.05 + .47}{2} = .26$).

APPENDIX C

Review of Research on the Effects of Grade Retention

A systematic review of the research literature on the effects of grade retention was conducted in the spring of 1973. The following index guides were searched for appropriate journal articles and books:

Current Index to Journals in Education (ERIC) - January 1969 (beginning) to June 1973

Education Index - January 1929 (beginning) to June 1973

Encyclopedia of Educational Research - 3rd and 4th editions (1960 and 1969)

Library of Congress Card Catalogue

Research in Education (ERIC) - November 1966 (beginning) to June 1973

All listings under the following subject headings were examined

academic failure
failure
failure factors
flunking
grade repetition
grade retention
nonpromotion
progress in school
pupil failure
pupil flunking
pupil promotion
pupil retention
repetition
retardation
retention
school failure
school progress
student promotion
student retention

Those listings which referred to the effects of grade retention, compared nonpromoted students with other students, discussed various pupil progress or promotion practices, dealt with failing a grade in school, or used similar terms were put into the bibliography. Each of the journal articles or books found in this manner was then read for references to additional appropriate sources. These sources were then themselves read for further references. At this point few new references were generated and the search for sources was terminated.

The specific purpose of the review was to determine whether students who are doing quite poorly in their academic work or manifest emotional or social maladjustment at school, are likely to benefit more from being retained in their grade than promoted to the next one.

Each source in the completed bibliography was classified into one of four categories: (1) reports original research directly related to the topic being reviewed; (2) discusses the topic without research evidence or reviews related research, but does not report original research; (3) is not directly related to the topic being reviewed; (4) could not be located. Forty-nine sources were classified as in the first category, 54 in the second, 28 in the third, and 28 in the fourth category. No source was left unlocated without at least two efforts to retrieve it from the National Education Association headquarters library, the George Washington University library, and the Library of Congress, all of which are located in Washington, D.C.

Only those sources which reported original research were subjected to intensive review. Of 49 such sources, 44 reported separate studies which appeared to address themselves to the question of whether grade retention is more beneficial than grade promotion for students with academic, emotional, or social difficulties. 319/ A careful examination of these studies, however, revealed that most were so seriously flawed as to be unreliable for purposes of making reliable inferences about this question.

Types of Research Designs Used

Four general types of analytical designs prevailed in these studies. The most commonly used design was a comparison of the educational outcomes of students retained under normal school policies with the educational outcomes of students promoted under normal policies. The second design was a comparison of student outcomes between schools with a high rate of grade retention and schools with a low rate of grade retention. Another design was a comparison of retained students before and after their retention. The fourth design was a true experimental one, where each pupil in a group of potential retainees is randomly assigned to repeat a grade or to be promoted to the next one, and then a semester or more later the retained students are compared with their promoted counterparts. 320/

319/ Five of the 49 sources reported an original study also presented in one of the other sources.

320/ Most studies exeluded pupils in with extremely low IQ's (below 75).

Each of the first three of these analytical designs has major inadequacies for comparing the effects of retention and promotion on low achieving or seriously maladjusted pupils. A very serious inadequacy common to all three designs is the failure to provide for a comparison of students who have been required to repeat a grade with students of similar academic or adjustment difficulties who have been promoted to the next grade. Without this similarity in pupils, one cannot reliably infer that differences found a year or so later between the retained and promoted pupils are due to differences in the effects of grade retention and promotion rather than to initial differences in the pupils.

The first type of design uses an analysis where students retained under normal school policies are compared with students promoted under normal policies. This comparison usually does not involve students with similar difficulties, as evidenced by the fact that the school authorities promoted some of the students and retained others. Some researchers compared promoted pupils, matching them with retained pupils on one to four of the following eight characteristics: grade level, sex, chronological age, mental age, IQ, achievement, adjustment, and SES. Though this matching may result in comparisons among initially more similar pupils than would be the case without such matching, it does not assure that the comparisons are made among pupils experiencing similar difficulties as relevant to

grade retention. The main precedents of grade retention are low achivement or poor personal or social adjustment in the classroom; none of the studies using the first type of design matched retained and promoted pupils on both of these characteristics. In addition, if the compared groups of pupils did have similar difficulties, why was one group promoted and the other retained? Some researchers suggest that the reason such matched pupils are treated differently is not because of differences in the extent of the pupils' academic or adjustment difficulties, but because the criteria for promoting students vary among teachers, schools, and school districts. Undoubtedly the criteria do vary among teachers, schools, and districts; however, differences in the rates of student promotion among teachers, schools, and districts cannot be taken as prima facie evidence that different criteria are being used. Even if the pupils are matched on measures of the above listed characteristics, differences in the rates of promotion may be due to real differences in classroom performance which are not accurately reflected by the measures used for matching pupils.

The second type of design uses an analysis comparing the variance of achievement and adjustment of all students in a given grade in low retention and high retention schools. The rationale behind this design is that if grade retention is effective it should improve the condition of low achieving or maladjusted pupils and thereby reduce the range of achievement or adjustment in a school. This comparison intends to con-

trast the effects of a policy which promotes just about everyone regardless of his or her difficulties against the effects of a policy which promotes only those students who meet certain fixed standards of achievement or adjustment. As with the previous design, this one also fails to assure that the compared students initially have similar difficulties. Different rates of promotion, even for schools matched on the basis of various student characteristics, may be due to real differences in the performance of the students. These differences in student performance may result from differences in the abilities and interests of the students which aren't adequately measured by IQ tests or SES indices; or they may result from differences in the quality of education provided by the schools. In addition, since this design analyzes the achievement or adjustment of all students in given schools, it cannot assess the effects of grade retention and promotion on just the low achieving and maladjusted pupils.

The third type of design merely compares the condition of retained students after promotion with their condition prior to promotion. Not only does this design fail to evaluate the benefits of retention relative to those of promotion, but it is not adequate even for assessing just the benefits of grade retention. This is because of the lack of control for possible improvement due to causes other than the retention experience itself. Natural regeneration from a temporary decline in one's physical

or emotional state, normal growth and maturation, and regression effect.[321] are all likely to cause some increase in low scoring students' measured academic achievement and personal or social adjustment over a period of time, whether the time is spent repeating a grade or progressing through the subsequent grade.

The fourth design, the comparison of pupils who have randomly been assigned to promotion or grade retention, is the only design which can provide a fully reliable test of the relative effects of grade retention and promotion on low achieving or maladjusted pupils. Since the students are randomly assigned to the two different conditions, the chance of there being systematic differences in the compared students can be held to a very low and known probability. If the students are matched first on their level of achievement or maladjustment (usually a relatively simple procedure), the probability of erroneous inferences can be reduced even further.

321/ Regression effects arise from measurement errors. Statistical theory indicates that if you take a group of people scoring the lowest of all persons on some measurement such as an achievement test or a rating of adjustment, and immediately repeat the measurement before their true condition has any opportunity to change, the group's average score on the second measurement will usually be higher than on the first one. See Donald T. Campbell and Julian C. Stanley, Experimental and Quasi - Experimental Designs for Research (Chicago: Rand McNally, 1966), pp. 10-12.

Findings of the Reviewed Studies

The results of the analyses in the reviewed studies were coded and tabulated for each of the four types of designs. For the purpose of this tabulation an analysis was defined as a statistical relationship for a given group or subgroup of pupils between a condition of grade promotion or retention and a given criterion variable indicating academic achievement, social adjustment, or personal adjustment. 322/ Each study could have one or more analyses; most had at least several. The most common subgroups used in these analyses were pupils in each of several different grade levels. Academic achievement was always indicated by aggregate scores, each for a series of test items; sometimes the aggregates were for a whole subject area, such as reading or arithmetic, and sometimes they were for a subscale of a subject area, such as word usage or comprehension in the area of reading. When both subscales and primary scales were reported, in order to avoid double counting, only the subscales were coded. Social and personal adjustment were less often indicated by aggregate scores, usually being measured by 5-15 separate traits.

Some of the analyses in the reviewed studies did not use any of the four previously discussed designs. In most cases these analyses investigated relationships or criteria not used by any of the other analyses; consequently, their results were not coded or tabulated.

322/ For the second type of research design discussed, the condition is more accurately described as the degree of grade promotion or retention.

The result of a given analysis was coded with respect to its direction and whether or not it was statistically significant. In the first, second, and fourth types of designs the direction could indicate greater benefits from grade promotion than grade retention, vice versa, or no difference. In the third type of design the direction could indicate losses by retained pupils, gains by retained pupils, or no difference. Sometimes the reports of the studies did not indicate whether the results were statistically significant. In such cases the statistical significance of a result was estimated if the needed data were given or could be presumed to be within specific limits. 323/ In the other cases the results were coded as not statistically significant. A result had to have a .05 level of error or less to be coded as statistically significant. Results were coded as "no difference" only if the reported data showed a zero difference; consequently, few results were so coded, and some of the results coded as showing differences represent only very small differences.

In the 44 reviewed studies, 324 analyses tried to assess the benefits of grade retention relative to social promotion by comparing pupils normally retained with those normally promoted. The results are indicated in Table C-1.

323/ The most common presumption was that standardized achievement test scores with sample means of 40 to 60 points did not have standard deviations of more than 20 points; a similar presumption was not made about the ratings of student adjustment because some of the studies reported large variances for these ratings.

Table C-1

Type of Result	Number of Times Result Occurred
a) statistically significant difference favoring promoted pupils	108
b) nonstatistically significant difference favoring promoted pupils	127
c) no difference between promoted and retained pupils	4
d) nonstatistically significant difference favoring retained pupils	73
e) statistically significant difference favoring retained pupils	12

Eight analyses compared schools having low retention rates with schools having high retention rates. The results are indicated in Table C-2.

Table C-2

Type of Result	Number of Times Result Occurred
a) statistically significant difference favoring schools with high rates of promotion	0
b) nonstatistically significant difference favoring schools with high rates of promotion	6
c) no difference between schools with high rates of promotion and those with low rates	1
d) nonstatistically significant difference favoring schools with low rates of promotion	1
e) statistically significant difference favoring schools with low rates of promotion	0

One hundred and forty-one analyses tried to assess the benefits of grade retention by comparing the students' condition after retention with their condition before retention. The results are indicated in Table C-3.

Table C-3

Type of Result	Number of Times Result Occurred
a) statistically significant loss for retained pupils	2
b) nonstatistically significant loss for retained pupils	10
c) no loss or gain	0
d) nonstatistically significant gain for retained pupils	12
e) statistically significant gain for retained pupils	117

The results of the 43 analyses using the experimental design to compare the effects of grade retention to those of grade promotion are shown in Table C-4.

Table C-4

Type of Result	Number of Times Result Occurred
a) statistically significant difference favoring promoted pupils	1
b) nonstatistically significant difference favoring promoted pupils	20
c) no difference between promoted and retained pupils	0
d) nonstatistically significant difference favoring retained pupils	22
e) statistically significant difference favoring retained pupils	0

Interpretation of Results

The task of interpreting all these results, taken together, is a difficult one. Should one disregard all the results using the inadequate designs and rely exclusively on those from the few experimental studies? If not, how does one use the results from the inadequate designs and protect against incorrect inferences from the possibly biased results of these analyses? And if one relies just on the experimental analyses, how does one interpret the fact that there is one statistically significant finding favoring grade promotion, but two nonstatistically significant findings favoring grade retention.

Social scientists have paid little attention to the problem of drawing reliable inferences from a set of studies focusing on a given question but using various designs and producing a spectrum of results, some that apparently contradict others. Consequently, there are no agreed upon procedures, standards, or optimum strategies for the task 324/

The best justified conclusion which can be drawn from the 44 reviewed studies is the need for further research of a much higher quality than has been allowed to prevail in the past. But such research will take at least several years to complete. In the meantime how can the available evidence be interpreted most reliably? There are a number of important considerations when trying to interpret the available evidence.

324/ A July 1973 review of all the books on education research in the library of a moderate sized university (George Washington University in Washington, D.C.) failed to locate one which suggested specific guidance with this task. A number of texts on methodology in the other social sciences were also checked and revealed a similar lack of guidance with this task.

First, it should be realized that the results of the first and second type of designs are not really contradicted by the results of third type of design, even though opposite patterns are exhibited. This is because the third type of design only investigates the effects of grade retention on low achieving or maladjusted students while the other two designs attempt to compare the effects of grade retention and grade promotion on these pupils. It is perfectly possible for grade retention to have some real benefits for these students but grade promotion to have even greater benefits.

Second, the previously described inadequacies of the first and second types of design will tend to bias the results towards showing that grade promotion is more beneficial for low achieving or maladjusted pupils than is grade retention. The cited inadequacies of the third design will tend to bias the results towards showing that grade retention is more beneficial than it really is. The results of the analyses with each of these designs do show strong patterns in the direction expected from these biases. If the results had been in the opposite direction as expected from the inherent biases of the design flaws, it would have been clear that the inadequacies in the design did not determine the direction of the results. 325/ But since this did not occur, it cannot be known to what extent the patterns of results accurately indicate reality and to what extent they reflect the inherent biases of their inadequate designs.

325/ Even in this case the biases could have been operating, but only to reduce the magnitude of the result rather than to reverse its direction from the true one.

Third, the fact that the results for each of the designs are not all statistically significant and in the same direction does not necessarily mean that there is inconsistency among the results within these designs. Sampling and statistical theory suggest that there is always some chance of getting erroneous results when taking a sample of a phenomenon rather than a complete survey. All the analyses were conducted using criteria which determined that the probability of this kind of error was 5 in a 100, or less. If the average probability for all the analysis had been .03, one would expect about 3 statistically significant erroneous results out of every 100 analyses. For the first type of design the vast majority of the results indicate that there are more favorable results if grade promotion is used, but 12 out of 324 favor grade retention and are statistically significant; this is about the number to be expected if all analyses had been conducted with a .03 probability of error ($.03 \cdot 324 = 9.72$). Similarly for the third type of design, the expected number of statistically significant results contrary to the prevailing pattern would be 4 ($.03 \cdot 141 = 4.23$), whereas the actual number of results was 2.

A fourth consideration is that the effects of grade retention relative to those of grade promotion may vary under different circumstances. The effects may vary (1) by differences in the characteristics

of students, such as age, grade level, ability, and degree of academic or adjustment difficulties, (2) by differences in the criteria of student performance such as reading, math, or emotional and social adjustment, and (3) by over-differences in the time intervals, such as the short-run effects versus the long-run effects.

The last consideration concerns the pattern of results from the experimental studies. The single statistically significant result favors promotion but the nonsignificant results favor retention at a 22 to 20 ratio. The significant result has a .05 or smaller probability of being incorrect. Since results were coded as "no difference" only if they were reported as zero, many of the nonsignificant differences are quite small. In addition, the distribution of 22 to 20 is not statistically significant from an equal distribution (21 to 21). 326/ In fact, an equal distribution has more than a 50 percent chance of producing a sample with a difference that large or greater. Thus, the results of the experimental design analyses suggest that grade retention is no more productive than grade promotion.

326/ Using a two-tailed sign test.

One general conclusion about the effects of grade retention relative to grade promotion is clearly warranted by all the results taken as a whole: there is no reliable evidence to indicate that grade retention is more beneficial than grade promotion for students with serious academic or adjustment difficulties. This is clearly indicated by the pattern of results from analyses using any of the three designs which investigated this comparison. This conclusion can be drawn by referring only to the pattern of statistically significant results, by referring only to the pattern of nonstatistically significant results, or by referring to the pattern of both types of results taken together. Thus, those educators who retain pupils in a grade do so with no valid research evidence to indicate such treatment will benefit the students.

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327/ Symbols in brackets following each citation indicate the following: O - reports original research directly related to the topic which was reviewed; ND - discusses the topic without research evidence or reviews related research, but does not report original research; NA - is not directly related to the topic which was reviewed; NL - could not be located.

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APPENDIX D

ETHNIC DATA ON COLLEGE ENROLLMENT

The Commission sought data on the number of Chicanos enrolled in teacher training programs in the Southwest. No reliable data could be found. Two lengthy listings of recent Chicano graduates of colleges and universities were located, but both proved to have unreliable data and were not comprehensive.

A listing by the Cabinet Committee on Opportunity for the Spanish Speaking, Spanish Surnamed American College Graduates, is based on inquiries made of some 800 colleges and universities in areas of the United States which have a large number of Spanish speaking persons. According to the Committee's estimates, only 20 percent of these institutions reported usable data. Information was requested for all Spanish surnamed persons who were juniors or seniors at the time of the survey. However, in many instances the schools failed to indicate, as requested, whether a particular person was a junior or senior. In all such cases the Cabinet Committee staff listed the person as a 1971 graduate. This makes it impossible to estimate reliably the number of students in a given year of a program. In addition, the student's major field of study was not always legibly reported by the responding colleges and universities. It is not clear how the staff tabulated such responses; however, the major field of study for some students is listed in the document as "undetermined," "unspecified," "undeclared," or "undecided."

The Department of Labor's volume, Directory of Minority Graduates 1971-1972, suffers from similar inadequacies. A questionnaire was sent to all the schools listed in the Department of Health, Education, and Welfare's Education Directory/Higher Education. In 1971-1972 there were 2,626 of these institutions. According to a source at the Office of Equal Employment Opportunity in the Department of Labor, about half of these schools--between 1,200 and 1,300--returned the questionnaires. Follow-ups were not made on nonrespondent schools, but were made to respondent schools with inadequate information on the questionnaire. Many schools refused to give information concerning the ethnicity of the students. In these cases, the ethnicity was listed as "other." Also, the graduation dates appear to be questionable because many more students are listed as expected to graduate in 1971 than in 1972.

The Commission also tried to collect data on the percentage of Chicano trainees in a small sample of teacher training institutions. The schools were contacted by telephone and most indicated that they did not collect such data. In some cases they reported that State statutes forbid collecting such data.

Federal laws and Federal regulations promulgated in conjunction with implementing Federal laws supersede State law.[328/] The Office for Civil Rights in HEW collects ethnic enrollment data for institutions of higher education, under the provisions of Federal law.[329/] However, this data is for the institution as a whole, rather than by departments within each institution.

328/ U.S. Commission on Civil Rights, Collection and Use of Racial and Ethnic Data in Federal Assistance Programs (Washington, D.C.: GPO, 1973), Ch. 4.

329/ See Racial and Ethnic Enrollment Data from Institutions of Higher Education, Fall 1970.

APPENDIX E

METHODOLOGY OF COLLEGE CATALOGUES REVIEW

In February 1973 the Commission obtained information on teacher education programs by studying the catalogues from a sample of colleges and universities with such programs. The sampling universe was comprised of almost all institutions in the Southwest which are listed in the Education Directory 1971-72/Higher Education as having a teacher preparatory program. A few of these institutions were excluded because they were seminaries or profitmaking institutions preparing persons for business education careers.

Of the 145 institutions which qualified for the sampling universe, 25 were selected at random. They are listed in Appendix Table E-1. Recent catalogues (1971-72, 1970-72 or later) were reviewed from the sampled institutions.

Reviews of the catalogues focused on (1) staffing, (2) factors which would attract Chicanos to the institution, and (3) characteristics of the teacher training programs. Specifically these were:

1. Representation of Spanish surnamed persons on the school of education faculty.
2. Representation of Chicanos in the pictures contained in the catalogue.
3. Courses in the school of education which refer to Mexican Americans, Chicanos, Spanish speaking or "bilingual" in the course title.
4. Courses in the school of education which refer to Mexican Americans, Chicanos, Spanish speaking or "bilingual" in the course description.

5. Courses in the school of education which refer in some way to minority children (including Mexican Americans, blacks, Indians, culturally different and "disadvantaged") in the course titles.

6. Courses in the school of education which refer in some way to minority children in the course description.

7. Number of courses in 3-6 above, which are required.

8. Whether course work or demonstrated knowledge in each of the following areas is required for admission to the teacher training programs: Spanish, any foreign language, anthropology or sociology, Mexican American history, or other ethnic studies.

9. Criteria used in selecting applicants to the teacher training program.

APPENDIX TABLE E-1

THE INSTITUTIONS WHICH WERE SAMPLED AND DATE OF THE CATALOGUE REVIEWED

CALIFORNIA	
California College of Arts and Crafts	1971-1973
California State University, Fullerton	1972-1973
California State University, Hayward	1972-1973
California State University, Los Angeles	1971-1973
California State University, San Bernardino	1972-1973
California Polytechnic State University, San Luis Obispo	1972-1973
San Diego State University	1973-1974
San Jose State University	1970-1972
Monterey Institute of Foreign Studies	1972-1973
Stanford University	1972-1973
University of California, Riverside	1972-1973
Westmont College	1972-1974
COLORADO	
Colorado College	1971-1972
Metropolitan State College	1972-1973
Southern Colorado State College	1972-1974
NEW MEXICO	
Eastern New Mexico University	1972-1974
New Mexico Highlands University	1972-1974
TEXAS	
Abilene Christian College	1973-1974
Angelo State University	1971-1972
Dallas Baptist College	1971-1972
Lubbock Christian College	1972-1973
McMurry College	1972-1973
Stephen F. Austin University	1972-1973
Tarleton State College	1972-1973
West Texas State University	1971-1972